

SB1036/112119/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 1036
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 6 down through “Act” in line 7; in line 8, after “to” insert “make a certain attestation to the court or”; in line 11, before “providing” insert “requiring the defendant to provide proof to the court that certain firearms owned by the defendant or in the defendant’s possession have been transferred in accordance with this Act;”; in line 12, after “transfer;” insert “requiring a person who is subject to a certain order to file certain proof with the court; authorizing the court on a certain application or based on certain evidence to issue a certain search warrant;”; in line 16, after “circumstances;” insert “requiring the court to specifically state the reasons for and scope of a certain search and seizure;”; and strike beginning with “requiring” in line 18 down through “investigations;” in line 20.

On page 2, in line 15, strike “3-207(i) and”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 3 and 4; in lines 5, 7, 9, and 11, strike “**(7)**”, “**(8)**”, “**(9)**”, and “**(10)**”, respectively, and substitute “**(6)**”, “**(7)**”, “**(8)**”, and “**(9)**”, respectively; in line 15, after “**COURT**” insert a comma; in the same line, after “**SUBTITLE**” insert a comma; strike beginning with “**WHEN**” in line 27 down through “**GUILTY**” in line 28 and substitute “**AT THE TIME OF SENTENCING FOR A CONVICTION, PLEA OF GUILTY, OR THE EQUIVALENT OF A PLEA OF GUILTY**”; in line 30, strike “**BOTH**” and substitute “**EITHER**”; in the same line, strike “**AND**” and substitute “**OR**”; strike beginning with “**A**” in line 30 down through “**DEFENDANT,**” in line 31 and substitute “**WRITING**”; and in line 31, after “**IS**” insert “**PROHIBITED FROM POSSESSING:**”.

(Over)

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On page 4, in lines 1 and 3, in each instance, strike “PROHIBITED FROM POSSESSING”; in line 2, after “ARTICLE;” insert “AND”; strike beginning with “; AND” in line 4 down through “SECTION” in line 7; in line 8, after “TO” insert “:”

(1) ATTEST TO THE COURT THAT THE PERSON DOES NOT PRESENTLY OWN OR POSSESS ANY REGULATED FIREARMS, RIFLES, OR SHOTGUNS; OR”;

in line 9, before “TRANSFER” insert “(2)”; in line 11, after “SECTION” insert a period; after line 11, insert:

“(E) THE DEFENDANT SHALL PROVIDE PROOF TO THE COURT THAT ALL REGULATED FIREARMS, RIFLES, AND SHOTGUNS OWNED BY THE DEFENDANT OR IN THE DEFENDANT’S POSSESSION HAVE BEEN TRANSFERRED IN ACCORDANCE WITH THIS SECTION.”;

in line 16, strike “(E)” and substitute “(F)”; and in line 18, strike “CONVICTION” and substitute “SENTENCING”.

On page 4 in lines 18, 23, and 24, on page 6 in lines 16 and 30, on page 7 in line 28, and on page 8 in line 17, in each instance, strike “AGENCY” and substitute “OFFICIAL”.

On page 5, after line 5, insert:

“(G) WITHIN 5 BUSINESS DAYS AFTER BEING ORDERED TO TRANSFER A REGULATED FIREARM, RIFLE, OR SHOTGUN UNDER THIS SECTION, A PERSON SHALL FILE A COPY OF THE PROOF OF TRANSFER WITH THE COURT AND ATTEST THAT ALL REGULATED FIREARMS, RIFLES, AND SHOTGUNS OWNED BY THE PERSON OR IN THE PERSON’S POSSESSION HAVE BEEN TRANSFERRED AND THAT

THE PERSON DOES NOT OWN OR POSSESS ANY OTHER REGULATED FIREARMS, RIFLES, OR SHOTGUNS.”;

in line 26, strike “**(F)**” and substitute “**(H)**”; in line 27, after “**BASED**” insert “**ON THE FAILURE TO FILE THE PROOF OF TRANSFER REQUIRED BY SUBSECTION (G) OF THIS SECTION OR BASED**”; in line 29, strike “**AUTHORIZE THE EXECUTION OF**” and substitute “**ISSUE**”; strike beginning with “**FIREARM**” in line 30 down through “**SHOTGUN**” in line 32 and substitute “**FIREARMS, RIFLES, OR SHOTGUNS**”; and in line 33, strike “**IS LOCATED**” and substitute “**AT ANY LOCATION IDENTIFIED IN THE APPLICATION FOR THE WARRANT**”.

On page 6, in line 1, strike “**(G)**” and substitute “**(I)**”.

On page 7, strike in their entirety lines 12 through 18, inclusive.