

SB0643/702710/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 643
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first “of” in line 2 down through “Adults” in line 3 and substitute “- Conviction for Unlawfully Obtaining Property of Vulnerable Adult”; in line 4, strike “clarifying that” and substitute “altering the extent to which”; strike beginning with “under” in line 7 down through “circumstances” in line 8; in line 8, after the semicolon insert “providing that a certain defendant has a certain burden of proof; making a clarifying change; providing for the application of this Act;”; in the same line, strike “the estates of vulnerable adults” and substitute “a certain disqualification concerning the estate, insurance proceeds, or property of a vulnerable adult under certain circumstances”; in line 9, strike “without” and substitute “with”; in line 14, strike “repealing and reenacting, with amendments,” and substitute “adding to”; and in line 16, strike “3-111” and substitute “9-113”.

AMENDMENT NO. 2

On page 3, in line 4, after “(e)” insert “(1)”; in the same line, strike “A conviction under this section shall disqualify the defendant” and substitute “**IF A DEFENDANT FAILS TO RESTORE FULLY THE PROPERTY TAKEN OR ITS VALUE AS ORDERED UNDER SUBSECTION (C) OF THIS SECTION, THE DEFENDANT IS DISQUALIFIED, TO THE EXTENT OF THE DEFENDANT’S FAILURE TO RESTORE THE PROPERTY OR ITS VALUE,**”; strike beginning with “and” in line 8 down through “adult” in line 9; after line 9, insert:

“(2) THE DEFENDANT HAS THE BURDEN OF PROOF WITH RESPECT TO ESTABLISHING UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE DEFENDANT HAS FULLY RESTORED THE PROPERTY TAKEN OR ITS VALUE.”;

(Over)

in line 15, strike “3-111.” and substitute “**9-113.**”; strike in their entirety lines 16 through 24, inclusive; in line 25, strike “(B)”; in line 29, strike “AS” and substitute “**TO THE EXTENT**”; after line 30, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any civil action or proceeding to determine a benefit from the estate, insurance proceeds, or property of a vulnerable adult that is pending before the effective date of this Act.”;

and in line 31, strike “2.” and substitute “3.”.