

SB0854/482417/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 854
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Crimes” and substitute “Criminal Procedure”; strike beginning with “;” in line 2 down through “Procedures” in line 3 and substitute “and Registration”; and strike beginning with “authorizing” in line 4 down through “admissible;” in line 16.

On page 2, in line 2, after “countries;” insert “altering the requirements for registration on a certain registry for a certain person granted probation before judgment;”; strike beginning with “requiring” in line 33 down through “identity;” in line 37; in line 39, after “notify” insert “a”; in the same line, strike “units” and substitute “unit”; and in line 47, strike “certain terms” and substitute “a certain term”.

On pages 3 and 4, strike beginning with “prohibiting” in line 25 on page 3 down through “Act;” in line 20 on page 4 and substitute “requiring the Department, in consultation with the Department of State Police, to adopt certain regulations on or before a certain date;”.

On page 4, in line 23, strike “making certain provisions of this Act subject to a certain contingency;”; strike beginning with “, commitment” in line 24 down through “procedures” in line 25; strike in their entirety lines 26 through 35, inclusive; in line 38, after “11-701” insert “11-702;”; and in line 39, strike “11-721, and 11-723” and substitute “and 11-721”.

On page 5, in line 2, strike “11-702 and”; and strike in their entirety lines 10 through 20, inclusive.

(Over)

AMENDMENT NO. 2

On pages 5 through 7, strike in their entirety the lines beginning with line 23 on page 5 down through line 14 on page 7.

On page 8, in line 29, after "PERIOD" insert ", FOR THE PURPOSE OF LIVING OR SLEEPING".

AMENDMENT NO. 3

On page 13, in line 6, after "ARTICLE" insert ", IF THE VICTIM IS AN ADULT"; after line 11, insert:

"(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING THE COMMON LAW OFFENSE OF INDECENT EXPOSURE, IF THE VICTIM IS A MINOR AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT THE DEFENDANT'S UNDERLYING INTENT WAS SEXUAL IN NATURE;";

in lines 12, 16, and 31, strike "(3)", "(4)", and "(5)", respectively, and substitute "(4)", "(5)", and "(6)", respectively; and in line 14, strike "(1) OR (2)" and substitute "(1), (2), OR (3)".

On page 14, in lines 2, 3, and 10, strike "(4)", "(6)", and "(5)", respectively, and substitute "(5)", "(7)", and "(6)", respectively; in line 22, after "OF" insert "3-308,"; after line 24, insert:

"(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER I SEX OFFENDER;";

and in lines 25, 29, and 36, strike “(4)”, “(5)”, and “(3)”, respectively, and substitute “(5)”, “(6)”, and “(4)”, respectively.

AMENDMENT NO. 4

On page 15, in line 5, strike “§ 2-201(4)(VIII)” and substitute “2-201(A)(4)(VIII)”; in line 6, after “ARTICLE;” insert “OR”; strike beginning with “OR” in line 10 down through “FORCE;” in line 13; in line 15, after “§ 3-307(A)(3),” insert “§ 3-308,”; in the same line, after “§ 3-314” insert “§ 3-321, § 3-322,”; after line 20, insert:

“(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3-202 OR § 3-203 OF THE CRIMINAL LAW ARTICLE, IF THE PERSON IS CHARGED WITH A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE ARISING OUT OF THE SAME INCIDENT, AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT THE DEFENDANT’S UNDERLYING INTENT WAS SEXUAL IN NATURE;

“(5) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I OR TIER II SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER II SEX OFFENDER;”;

and in lines 21, 28, and 30, strike “(4)”, “(3)”, and “(5)”, respectively, and substitute “(6)”, “(5)”, and “(7)”, respectively.

On page 16, in lines 2, 20, and 26, strike “(3)”, “1993”, and “1984”, respectively, and substitute “(5)”, “1995”, and “1985”, respectively.

On page 19, in line 11, strike “SEX OFFENDER”.

On page 21, in line 13, strike “AN”; in the same line, strike “THAT” and substitute “WHERE”; in line 17, strike “OR”; and in lines 18 and 22, in each instance, strike the bracket.

On page 22, in lines 4 and 6, in each instance, strike the bracket; in line 5, strike “7” and substitute “3”.

On page 23, in line 11, strike “3 DAYS” and substitute “24 HOURS”; in line 13, strike “A” and substitute “THE”; and in line 29, strike “EACH” and substitute “THE”.

On page 24, in lines 16, 19, and 23, in each instance, strike “EACH” and substitute “THE”; in line 27, strike “7” and substitute “5”; in line 28, strike “A”; and in line 33, strike “A” and substitute “THE”.

On page 25, in line 7, strike “LOCATIONS” and substitute “LOCATION”; strike in their entirety lines 9 through 15, inclusive; in line 24, after the first “OF” insert “EACH OF”; in the same line, strike “EMPLOYER” and substitute “EMPLOYERS”; and in the same line, strike the second “THE” and substitute “EACH”.

AMENDMENT NO. 5

On page 26, in line 11, strike “OR”; in line 14, strike “ANY” and substitute “ALL”; in line 19, strike “number OR REGISTRATION NUMBER” and substitute “NUMBER, REGISTRATION NUMBER,”; in line 22, strike “ADDRESS” and substitute “ADDRESSES”; in line 24, after “(14)” insert “ALL LANDLINE AND CELLULAR”; and strike beginning with the comma in line 26 down through “NUMBERS” in line 27.

On page 27, in line 1, strike the colon; in line 2, strike “DATE” and substitute “DATES”; and in line 3, strike “REGISTRATION STATUS,”.

On page 28, in line 4, strike “**OR**”; in line 15, strike the period and substitute “**;** **OR**”; in lines 16, 19, 26, and 30, in each instance, strike the bracket; in line 16, strike “(iii)” and substitute “**(IV)**”; in line 17, strike “11-701(c)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i)” and substitute “**11-704(C)(1)**”; and in line 25, strike “**OR**”.

On page 29, in line 1, strike “**(1)**”; in lines 4, 6, 7, and 9, strike “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively, and substitute “**(1)**”, “**(2)**”, “**(3)**”, and “**(4)**”, respectively; and strike in their entirety lines 11 through 22, inclusive.

On page 30, in line 4, strike “**EACH**” and substitute “**THE**”; and in line 5, strike “**OR HABITUALLY LIVE**”.

On page 31, in line 25, strike “**A**”; and in line 33, strike “**A**” and substitute “**THE**”.

On page 32, in line 21, strike “**EACH**” and substitute “**THE**”; and in line 28, strike “**EACH**” and substitute “**THE**”.

On page 33, in lines 10 and 15, in each instance, strike “**A**” and substitute “**THE**”; in line 17, strike “**HOME OR CELL**” and substitute “**LANDLINE OR CELLULAR**”; and in line 35, in each instance, strike “**A**” and substitute “**THE**”.

On page 34, in line 2, strike “**HOME OR CELL**” and substitute “**LANDLINE OR CELLULAR**”; in line 8, strike “**EACH**” and substitute “**THE**”; and in line 11, strike “**A**”.

On page 35, in line 33, after “registrants” insert “**AND A LISTING OF JUVENILE SEX OFFENDERS**”.

On page 36, in line 30, after “name” insert “**, CRIME,**”.

On page 37, in line 7, strike "EACH" and substitute "THE"; strike beginning with "OR" in line 13 down through "ARTICLE" in line 14; in line 16, strike the first "the" and substitute "A"; in line 18, strike "a" and substitute "THE"; in line 25, strike "A" and substitute "THE"; in the same line, strike "LIVES" and substitute "RESIDES"; and strike beginning with "KNOWINGLY" in line 34 down through "SUBTITLE," in line 35.

On pages 38 through 44, strike in their entirety the lines beginning with line 10 on page 38 through line 33 on page 44, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Department of Public Safety and Correctional Services, in consultation with the Department of State Police, shall adopt regulations to implement the listing of juvenile sex offenders in accordance with this Act, including a definition of "law enforcement personnel" who are authorized to access the listing."

On page 45, in line 1, strike "5." and substitute "3."; strike in their entirety lines 7 through 11, inclusive; in line 12, strike "7." and substitute "4."; and strike beginning with ", except" in line 12 down through "Act," in line 13.