

**HB1297/322417/1**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1297

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 8 down through “employee;” in line 12; strike beginning with “requiring” in line 13 down through “circumstances;” in line 19; in line 20, strike “a certain decision” and substitute “certain decisions; authorizing a certain claimant to request a certain de novo final decision by the Office of Administrative Hearings under certain circumstances; requiring the Secretary of Public Safety and Correctional Services, within a certain time period, to delegate a certain case to the Office of Administrative Hearings for a certain de novo determination under certain circumstances; requiring the Office of Administrative Hearings, at a certain time, to promptly schedule a certain matter for proceedings and hold a hearing in a certain county at the election of a certain claimant”; strike beginning with “authorizing” in line 22 down through “purpose;” in line 23; in line 28, after “11-805” insert “(a)(2)”; in the same line, after “11-814” insert “(b)(1) and (e)”; and after line 30, insert:

“BY adding to

Article – Criminal Procedure

Section 11-814.1

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 4 through 6, inclusive.

On pages 3 and 4, strike in their entirety the lines beginning with line 11 on page 3 through line 5 on page 4, inclusive.

(Over)

On page 4, strike in their entirety lines 7 and 8.

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 16 on page 4 through line 5 on page 5, inclusive.

On page 5, in line 8, strike “OR OFFICE OF ADMINISTRATIVE HEARINGS”; after line 8, insert:

“11-814.1.

(A) IF A CLAIMANT CONTESTS THE FINDINGS OF FACT OR CONCLUSIONS OF LAW IN A FINAL DECISION OF THE SECRETARY, WITHIN 30 DAYS AFTER THE FINAL DECISION OF THE SECRETARY, THE CLAIMANT MAY REQUEST A DE NOVO FINAL DECISION BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

(B) WITHIN 5 DAYS OF A REQUEST BY THE CLAIMANT UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY, IN ACCORDANCE WITH § 10-205 OF THE STATE GOVERNMENT ARTICLE, SHALL DELEGATE THE CASE TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR A DE NOVO DETERMINATION OF FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING ALL MATTERS RELATED TO THE CLAIM CONTESTED BY THE CLAIMANT.

(C) AFTER THE SECRETARY DELEGATES A CASE TO THE OFFICE OF ADMINISTRATIVE HEARINGS, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL:

(1) PROMPTLY SCHEDULE THE MATTER FOR PROCEEDINGS; AND

**(2) HOLD A HEARING IN THE COUNTY WHERE THE CRIME OR DELINQUENT ACT OCCURRED, WHERE THE CLAIMANT RESIDES, OR WHERE THE CLAIMANT IS REGULARLY EMPLOYED, AT THE ELECTION OF THE CLAIMANT.**

**(D) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL GIVE THE CLAIMANT AND ANY ATTORNEY OF RECORD FOR THE CLAIMANT A COPY OF THE FINAL DECISION OF THE OFFICE OF ADMINISTRATIVE HEARINGS.**”;

strike in their entirety lines 13 through 18, inclusive; and in lines 19 and 21, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, respectively.