

SB0496/783820/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 496
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “circumstances;” insert “authorizing the State’s Attorney to petition a certain administrative judge for the invalidation and destruction of a certain unexecuted warrant, summons, or other criminal process;”; and in line 14, after “warrant” insert “, summons,”.

AMENDMENT NO. 2

On page 2, strike beginning with “AN” in line 8 down through “PROCESS” in line 16 and substitute “A WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS FOR A MISDEMEANOR OFFENSE IN THE POSSESSION OF THE LAW ENFORCEMENT AGENCY INVALIDATED AND DESTROYED DUE TO THE AGE OF THE UNEXECUTED WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS AND UNAVAILABILITY OF THE DEFENDANT, OR OTHER SPECIAL CIRCUMSTANCES, IF:

(1) THE WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS WAS ISSUED FOR THE ARREST OF THE DEFENDANT IN ORDER THAT THE DEFENDANT MIGHT STAND FOR TRIAL AND HAS REMAINED UNEXECUTED FOR AT LEAST 5 YEARS;

(2) THE WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS WAS ISSUED FOR THE FAILURE OF THE DEFENDANT TO MAKE A DEFERRED PAYMENT OF A FINE OR COSTS AS ORDERED BY THE COURT AND HAS REMAINED UNEXECUTED FOR AT LEAST 5 YEARS;

(Over)

(3) THE WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS WAS ISSUED FOR A VIOLATION OF PROBATION AND HAS REMAINED UNEXECUTED FOR AT LEAST 5 YEARS;

(4) EXCEPT AS PROVIDED IN ITEM (5) OF THIS SUBSECTION, THE WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS WAS ISSUED FOR THE ARREST OF THE DEFENDANT FOR THE FAILURE OF THE DEFENDANT TO APPEAR AS DIRECTED BY THE COURT AND HAS REMAINED UNEXECUTED FOR AT LEAST 5 YEARS; OR

(5) THE DEFENDANT WAS RELEASED ON BAIL POSTED BY A PRIVATE SURETY, AND THE WARRANT WAS ISSUED FOR THE ARREST OF THE DEFENDANT FOR THE FAILURE OF THE DEFENDANT TO APPEAR AS DIRECTED BY THE COURT AND HAS REMAINED UNEXECUTED FOR AT LEAST 10 YEARS.

(B) (1) ON RECEIPT OF A REQUEST MADE UNDER SUBSECTION (A)(1), (A)(2), (A)(3), OR (A)(4) OF THIS SECTION, THE STATE'S ATTORNEY:

(I) IF THE WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS HAS REMAINED UNEXECUTED FOR MORE THAN 5 YEARS BUT LESS THAN 7 YEARS, MAY PETITION THE ADMINISTRATIVE JUDGE OF THE DISTRICT FOR THE INVALIDATION AND DESTRUCTION OF THE UNEXECUTED WARRANT, SUMMONS, OR OTHER PROCESS; AND

(II) IF THE WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS HAS REMAINED UNEXECUTED FOR AT LEAST 7 YEARS, SHALL PETITION THE ADMINISTRATIVE JUDGE OF THE DISTRICT FOR THE INVALIDATION AND DESTRUCTION OF THE UNEXECUTED WARRANT, SUMMONS, OR OTHER PROCESS.

(2) ON RECEIPT OF A REQUEST MADE UNDER SUBSECTION (A)(5) OF THIS SECTION, THE STATE'S ATTORNEY SHALL PETITION THE ADMINISTRATIVE JUDGE OF THE DISTRICT FOR THE INVALIDATION AND DESTRUCTION OF THE UNEXECUTED WARRANT, SUMMONS, OR OTHER CRIMINAL PROCESS".