

SB0701/688279/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 701
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “request that” and substitute “petition the court to shield certain”; in line 4, strike “be shielded”; in line 7, after “shielding;” insert “providing that a person may shield only one stand-alone conviction or unit of convictions per lifetime;”; strike beginning with “prohibiting” in line 15 down through “exception;” in line 18; and strike beginning with “establishing” in line 27 down through “Act;” in line 28.

On pages 1 and 2, strike beginning with “a” in line 30 on page 1 down through “law” in line 2 on page 2 and substitute “a certain conviction”.

AMENDMENT NO. 2

On page 2, after line 30, insert:

“(F) “SHIELDABLE CONVICTION” MEANS A CONVICTION OF ONE OF THE FOLLOWING CRIMES, COMMITTED BY AN INDIVIDUAL UNDER THE AGE OF 26 YEARS:

(1) POSSESSION OF MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE;

(2) USE OF OR POSSESSION WITH INTENT TO USE DRUG PARAPHERNALIA UNDER § 5-619(C)(1) OF THE CRIMINAL LAW ARTICLE;

(3) DISTURBING THE PEACE UNDER § 10-201(C)(4) OF THE CRIMINAL LAW ARTICLE;

(Over)

(4) THEFT UNDER \$100 UNDER § 7-104(G)(3) OF THE CRIMINAL LAW ARTICLE;

(5) TRESPASS ON POSTED PROPERTY UNDER § 6-402 OF THE CRIMINAL LAW ARTICLE;

(6) MALICIOUS DESTRUCTION OF PROPERTY CAUSING DAMAGE OF LESS THAN \$500 UNDER § 6-301 OF THE CRIMINAL LAW ARTICLE;

(7) FAILURE TO APPEAR IN RESPONSE TO A CITATION UNDER § 5-212 OF THIS ARTICLE;

(8) PUBLIC INTOXICATION UNDER ARTICLE 2B, § 19-101 OF THE CODE;

(9) A PROSTITUTION OFFENSE UNDER § 11-306 OF THE CRIMINAL LAW ARTICLE;

(10) LITTERING IN AN AMOUNT NOT EXCEEDING 100 POUNDS UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE;

(11) POSSESSION OF AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER UNDER ARTICLE 2B, § 19-301 OF THE CODE;

(12) DRINKING ON PUBLIC PROPERTY UNDER ARTICLE 2B, § 19-202 OF THE CODE;

(13) CONFINEMENT OF AN UNATTENDED CHILD UNDER § 5-801 OF THE FAMILY LAW ARTICLE;

(14) OBTAINING PROPERTY OR SERVICES WITH A VALUE OF LESS THAN \$100 BY BAD CHECK UNDER § 8-103(B) OF THE CRIMINAL LAW ARTICLE;

(15) OBTAINING PROPERTY WITH A VALUE OF LESS THAN \$100 WITH A STOLEN OR COUNTERFEIT CREDIT CARD UNDER § 8-206(A) OF THE CRIMINAL LAW ARTICLE;

(16) A TICKET SCALPING OFFENSE UNDER ANY STATE OR LOCAL LAW; OR

(17) FAILURE TO COMPLY WITH A LAWFUL ORDER OF A NATURAL RESOURCES POLICE OFFICER UNDER § 1-206 OF THE NATURAL RESOURCES ARTICLE.

(G) “UNIT” MEANS TWO OR MORE CONVICTIONS THAT ARISE FROM THE SAME INCIDENT, TRANSACTION, OR SET OF FACTS.”.

AMENDMENT NO. 3

On page 2, in line 32, strike the colon.

On page 3, strike beginning with “(1)” in line 1 down through “(3)” in line 4; in line 10, after “STATUTORY” insert “OR CONTRACTUAL”; in line 11, strike “STATUTORY”; in line 14, strike “EMPLOYEE’S OR EMPLOYER’S” and substitute “INDIVIDUAL’S”; in the same line, after “§ 5-561” insert “(B), (C), (D), (E), (F), OR (G)”; in line 15, strike “AND”; and in line 17, after “ATTORNEY” insert “;AND”

(5) HEALTH OCCUPATIONS BOARDS”.

AMENDMENT NO. 4

On page 3, strike beginning with “REQUEST” in line 20 down through “SHIELDED” in line 21 and substitute “PETITION THE COURT TO SHIELD THE PERSON’S COURT AND POLICE RECORDS RELATING TO A SHIELDABLE CONVICTION”; in line 21, strike “3” and substitute “5”; after line 27, insert:

“(C) (1) A PERSON MAY SHIELD ONLY ONE STAND-ALONE CONVICTION OR ONE UNIT OF CONVICTIONS PER LIFETIME.

“(2) IF A PERSON IS NOT ENTITLED TO SHIELDING OF ONE CONVICTION IN A UNIT, THE PERSON IS NOT ENTITLED TO SHIELDING OF ANY OTHER CONVICTION IN THE UNIT.”;

and in line 28, strike “(C)” and substitute “(D)”.

On page 4, strike beginning with “EXCEPT” in line 14 down through “(2)” in line 22; and in line 29, strike “(3) A” and substitute “(2) EXCEPT AS PROVIDED IN § 10-302(B) OF THIS SUBTITLE, A”.

On page 5, strike in their entirety lines 9 through 16, inclusive.