

SB0860/238878/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 860  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Kelley” and substitute “Kelley, and Forehand”; in line 2, strike “Photo and Lineup”; strike beginning with “requiring” in line 9 down through “programs;” in line 10; strike beginning with “requiring” in line 12 down through “manner;” in line 14; in line 14, after “terms;” insert “providing for the application of this Act; providing for a delayed effective date;”; and in line 18, strike “and (e)”.

AMENDMENT NO. 2

On page 2, in line 3, after “(I)” insert “1. ADOPT THE POLICE TRAINING COMMISSION’S EYEWITNESS IDENTIFICATION MODEL POLICY; OR

2.”;

and strike in their entirety lines 14 through 16, inclusive.

On page 3, in line 13, strike “SUSPECTED PERPETRATOR” and substitute “SUSPECT”; strike beginning with the second “STATEMENT” in line 18 down through “PROCEDURE” in line 20 and substitute “DOCUMENTED STATEMENT THAT IS SOUGHT BY THE ADMINISTRATOR WHEN AN IDENTIFICATION IS MADE”; after line 21, insert:

“(II) IN THE OWN WORDS OF THE EYEWITNESS, DESCRIBING THE EYEWITNESS’S CONFIDENCE LEVEL THAT THE PERSON IDENTIFIED IS THE PERPETRATOR OF THE CRIME;”;

(Over)

in lines 22 and 24, strike “(II)” and “(III)”, respectively, and substitute “(III)” and “(IV)”, respectively; strike beginning with “GROUP” in line 25 down through “CRIME” in line 28 and substitute “PERPETRATOR IS PLACED AMONG A GROUP OF OTHER PERSONS WHOSE GENERAL APPEARANCE RESEMBLES THE PERPETRATOR”; and after line 28, insert:

“(11) ‘PERPETRATOR’ MEANS A PERSON WHO COMMITTED AN OFFENSE.

“(12) ‘SUSPECT’ MEANS A PERSON WHO IS SUSPECTED OF COMMITTING AN OFFENSE.”.

On page 4, strike beginning with “AND” in line 7 down through “MEDIA” in line 22 and substitute “THAT THE PERPETRATOR MAY OR MAY NOT BE AMONG THE PERSONS IN THE IDENTIFICATION PROCEDURE”.

On pages 4 and 5, strike in their entirety the lines beginning with line 23 on page 4 through line 10 on page 5, inclusive, and substitute:

“(4) WHEN AN IDENTIFICATION IS MADE IN A LIVE LINEUP OR PHOTO ARRAY, THE ADMINISTRATOR SHALL DOCUMENT IN WRITING ALL IDENTIFICATION STATEMENTS MADE BY THE EYEWITNESS.”.

On page 5, in line 14, strike “AND”; in line 15, strike “SUSPECT” and substitute “PERPETRATOR”; and in line 17, strike “OR A LIVE LINEUP IS CONDUCTED FOR AN EYEWITNESS” and substitute “; AND”

“(3) AT LEAST FOUR FILLERS, IN ADDITION TO THE PERPETRATOR, SHALL BE INCLUDED IN A LIVE LINEUP”.

On page 6, strike beginning with “UNLESS” in line 1 down through “(2)” in line 3; in lines 3, 17, and 18, strike “(3)”, “(3)”, and “(2)”, respectively, and substitute “(2)”, “(2)”, and “(1)”, respectively; in line 9, strike “IN THE EYEWITNESS’S OWN WORDS”; and strike in their entirety lines 20 through 31, inclusive.

AMENDMENT NO. 3

On page 2, in line 1, strike “AUGUST 1, 2014” and substitute “JANUARY 1, 2015”; and in line 8, strike “DECEMBER 31, 2014” and substitute “FEBRUARY 1, 2015”.

On page 7, before line 1, 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 criminal case commenced before the effective date of this Act.”;

in line 1, strike “2.” and substitute “3.”; and in line 2, strike “July 1, 2014” and substitute “January 1, 2015”.