

HB0121/572911/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 121

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 7 down through “date;” in line 10; and strike beginning with “repealing” in line 11 down through “offenses;” in line 12.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 1 through 17, inclusive.

On pages 6 and 7, strike in their entirety the lines beginning with line 28 on page 6 through line 10 on page 7, inclusive.

On pages 9 through 11, strike in their entirety the lines beginning with line 30 on page 9 through line 10 on page 11, inclusive.

AMENDMENT NO. 3

On page 5, in line 11, strike “**25**” and substitute “**30**”.

AMENDMENT NO. 4

On page 3, in line 23, strike the bracket; in the same line, after “who” insert “**IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE AND**”; in line 24, after “section” insert “**FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE**”; and in line 28, strike the bracket and substitute:

“(C)”.

(Over)

On page 4, in lines 23, 28, 30, and 32, in each instance, strike the brackets; in line 23, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”; and in lines 28, 30, and 32, strike “(1)”, “(2)”, and “(3)”, respectively.

On page 5, in line 1, strike the bracket; in the same line, after “(2)” insert “(I) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO COMMIT A CRIME INCLUDED UNDER SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED ONCE:

1. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

2. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE; OR

3. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE.

(II) 1.”;

in line 3, strike “(3)” and substitute “2.”; in line 5, before “(4)” insert an opening bracket; in line 8, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”; in line 32, after “(2)” insert “(I) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO

COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY:

1. HAS SERVED AT LEAST ONE TERM OF CONFINEMENT OF AT LEAST 180 DAYS IN A CORRECTIONAL INSTITUTION AS A RESULT OF A CONVICTION:

A. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-609 OR § 5-614 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

B. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE; OR

C. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE; AND

2. HAS BEEN CONVICTED TWICE, IF THE CONVICTIONS ARISE FROM SEPARATE OCCASIONS:

A. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-609 FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

B. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

C. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE; OR

D. ANY COMBINATION OF THESE CRIMES.

(ii) 1.”;

and in the same line, strike the bracket.

On page 6, in lines 1 and 3, strike “(3)” and “(4)”, respectively, and substitute “**2.**” and “**(3)**”, respectively; in lines 3, 5, 11, 13, 15, 18, 19, and 22, in each instance, strike the bracket; in line 5, strike “A” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**”; in lines 11, 13, 15, and 18, strike “**(1)**”, “**(2)**”, “**(3)**”, and “**(4)**”, respectively; in line 19, after “(2)” insert “**(I) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 40 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY HAS SERVED THREE OR MORE SEPARATE TERMS OF CONFINEMENT AS A RESULT OF THREE OR MORE SEPARATE CONVICTIONS:**

1. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

2. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

3. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE; OR

4. OF ANY COMBINATION OF THESE CRIMES.

(II) 1.”;

and in line 21, strike “(3)” and substitute “2.”.

On page 7, in line 25, strike the brackets; and in the same line, strike “A” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**”.

On page 8, in lines 1, 3, 5, 8, and 9, in each instance, strike the bracket; in lines 1, 3, 5, and 8, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively; in line 9, after “(2)” insert “**(I) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED ONCE:**

1. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

(Over)

2. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

3. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE; OR

4. OF ANY COMBINATION OF THESE CRIMES.

(II) 1.”;

in line 11, strike “(3)” and substitute “2.”; in line 13, before “(4)” insert an opening bracket; and in line 16, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”.

On page 9, in line 1, after “(2)” insert “(I) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY:

1. HAS SERVED AT LEAST ONE TERM OF CONFINEMENT OF AT LEAST 180 DAYS IN A CORRECTIONAL INSTITUTION AS A RESULT OF A CONVICTION UNDER SUBSECTION (A) OF THIS SECTION, § 5-608 OF THIS SUBTITLE, OR § 5-614 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE; AND

2. IF THE CONVICTIONS DO NOT ARISE FROM A SINGLE INCIDENT, HAS BEEN CONVICTED TWICE:

A. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

B. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

C. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE; OR

D. OF ANY COMBINATION OF THESE CRIMES.

(II) 1.”;

in lines 1, 5, 7, 13, 15, 17, 20, 21, and 24, in each instance, strike the bracket; in lines 3 and 5, strike “(3)” and “(4)”, respectively, and substitute “2.” and “(3)”, respectively; in line 7, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”; in lines 13, 15, 17, and 20, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively; in line 21, after “(2)” insert “(I) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO COMMIT A CRIME UNDER SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 40 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY HAS SERVED THREE SEPARATE TERMS OF CONFINEMENT AS A RESULT OF THREE SEPARATE CONVICTIONS:”

(Over)

1. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

2. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

3. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE; OR

4. OF ANY COMBINATION OF THESE CRIMES.

(II) 1.”;

and in line 23, strike “(3)” and substitute “2.”.