

**HB1312/622316/1**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1312

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “substance;” insert “expanding the types of programs for which a certain inmate may receive a certain deduction from the inmate’s term of confinement under certain circumstances for a certain purpose;”; in line 15, after the first “a” insert “certain screening tool and a”; in line 17, after “certain” insert “screening tool or a certain”; strike beginning with “modify” in line 20 down through “imposing” in line 21 and substitute “impose”; in line 22, strike “report” and substitute “provide prompt notice”; in the same line, after the first “certain” insert “violations and certain”; in line 29, strike “transfer” and substitute “place”; and in the same line, strike the second “to” and substitute “on”.

On page 2, in line 4, after “fee;” insert “requiring certain savings to revert to the Performance Incentive Grant Program Fund, rather than the General Fund;”; strike beginning with “Division” in line 11 down through “Probation” in line 12 and substitute “Department of Public Safety and Correctional Services”; in line 18, after “programs” insert “and to ensure that certain protections are in place for a certain individual”; strike beginning with “authorizing” in line 19 down through “authorizing” in line 21 and substitute “requiring”; strike beginning with “providing” in line 24 down through “conviction” in line 27 and substitute “prohibiting a certain licensing board from denying an occupational license to a certain applicant for a certain reason”; in line 28, after “circumstances;” insert “providing that the Court of Appeals is not a licensing board for a certain purpose;”; strike beginning with “request” in line 32 down through “Probation” in line 33; in line 33, strike “local”; strike beginning with “requiring” in line 34 down through “facility;” in line 36; in line 39, after “victims” insert “and a State’s Attorney”; in the same line, strike “parole” and substitute “release”; in line 40, after “circumstances;” insert “establishing that a victim has certain rights related to administrative release;”; in line 41, strike “permanent” and substitute “chronic”; in line

(Over)

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 2 of 52**

42, strike “certain medical evaluations” and substitute “a certain medical recommendation or evaluation”; in the same line, after “parole;” insert “repealing a requirement that the Governor approve medical parole for an individual serving a certain sentence; providing that the Governor may disapprove a medical parole recommendation for a certain individual serving a certain sentence within a certain time;”; in line 44, after “circumstances;” insert “authorizing the Commissioner to depart from certain periods of incarceration under certain circumstances;”; and in line 45, after “circumstances;” insert “requiring the State to provide each county a certain grant for each day that a certain inmate received certain programming or services from a certain local correctional facility at a certain time;”.

On page 3, strike beginning with “possession” in line 1 down through “a” in line 2 and substitute “certain offenses relating to”; in line 2, strike “substance” and substitute “substances”; in line 3, strike “requiring” and substitute “authorizing”; strike beginning with “Department” in line 3 down through “Services” in line 4 and substitute “Department of Health and Mental Hygiene”; strike beginning with “Department” in line 6 down through “Services” in line 7 and substitute “Department of Health and Mental Hygiene”; in line 8, strike “incorporate” and substitute “consider”; in line 10, after “manner;” insert “requiring the Division of Correction or a local facility to facilitate certain treatment for a certain person;”; strike beginning with “establishing” in line 10 down through “manner;” in line 14 and substitute “repealing mandatory minimum sentences for certain offenses involving distribution of a controlled dangerous substance; authorizing a person who is serving a certain mandatory minimum sentence to apply to the court to modify or reduce the mandatory minimum sentence under certain circumstances;”; in line 16, after “offenders;” insert “providing that a certain person whose previous conviction was for violation of a certain provision of law is subject to a certain penalty only under certain circumstances;”; in line 18, after “adult;” insert “altering the penalties for certain offenses relating to criminal gangs; prohibiting a criminal gang or an individual belonging to a criminal gang from receiving or investing certain proceeds in a certain manner; prohibiting criminal gangs and persons involved with criminal gangs from obtaining certain property under certain circumstances; prohibiting a person from conspiring to commit certain violations relating to criminal”.

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 3 of 52**

gangs; allowing a court to order a divestiture of certain property and to take certain other actions relating to criminal gangs and persons involved with criminal gangs; altering certain penalties; authorizing the Governor to request the Attorney General to aid in certain investigations or prosecutions; prohibiting a person from promoting or sponsoring a criminal gang; establishing certain venue provisions for certain offenses;”; in line 20, strike “and incarceration time served thresholds” and substitute “threshold”; strike beginning with “requiring” in line 21 down through “guidelines;” in line 24; in line 26, after “circumstances;” insert “authorizing the court to depart from certain periods of incarceration under certain circumstances; requiring the Department of Health and Mental Hygiene to immediately provide certain services;”; in line 27, strike “without unnecessary delay and in no event” and substitute “no”; in line 28, after “order;” insert “repealing certain limitations on certain duties of the Department of Health and Mental Hygiene relating to funding;”; in line 30, strike “lack of placement” and substitute “delay”; in the same line, after “circumstances;” insert “establishing the Addiction Treatment Divestiture Fund as a special, nonlapsing fund in the Department of Health and Mental Hygiene; specifying the purposes of the Fund; requiring the Secretary of Health and Mental Hygiene to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purposes for which the Fund may be used; providing for the investment of the Fund; exempting the Fund from a certain provision of law that requires interest on State money in special funds to accrue to the General Fund;”; in line 32, after “reporting” insert “requirements”; in line 33, strike “County”; and in line 42, after “license;” insert “repealing certain provisions of law relating to the Justice Reinvestment Coordinating Council;”.

On page 4, in line 3, after “date;” insert “requiring the Department of Health and Mental Hygiene, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services, in consultation with certain organizations, to review and make recommendations regarding potential barriers to employment, licensing, and entrepreneurship for certain individuals and the criminalization of occupational licenses and to make certain recommendations regarding occupational licensing laws and report to the Governor and General Assembly”.

(Over)

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 4 of 52**

on or before a certain date;; in line 6, after “circumstances;” insert “providing for the application of certain provisions of this Act; requiring the Administrative Office of the Courts to submit a certain annual report to the General Assembly; providing for a delayed effective date for certain provisions of this Act;”; after line 8, insert:

“BY repealing

Article – Public Safety

Section 1-601 through 1-605 and the subtitle “Subtitle 6. Justice Reinvestment Coordinating Council”

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)”;

in line 11, after “3-704,” insert “3-706.”; in line 12, after “7-504,” insert “9-402.”; in line 17, strike “3-706.”; after line 29, insert:

“BY repealing and reenacting, without amendments,

Article - Criminal Law

Section 5-601(a) and (b), 5-602 through 5-606, 7-104(a) through (f), 8-301(a), (b), (b-1), and (c) through (f), and 8-801(a) and (b)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”;

in line 32, after “5-601” insert “(c)(1) and (2)”; after line 35, insert:

“BY adding to

Article – Criminal Law

Section 5-601(e), 5-609.1, and 9-807

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”;

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 5 of 52**

in line 38, strike “5-601.1,”; in the same line, strike “5-609.1,”; in the same line, after “5-612,” insert “5-905,”; in line 39, after “8-801(c),” insert “9-801 through 9-805,”; and after line 41, insert:

“BY repealing

Article - Criminal Law

Section 5-609.1

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

On page 5, strike in their entirety lines 1 through 16, inclusive; in line 19, strike “6-209” and substitute “1-101”; and after line 26, insert:

“BY adding to

Article – Health – General

Section 8–6D–01 to be under the new subtitle “Subtitle 6D. Addiction Treatment  
Divestiture Fund”

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - State Finance and Procurement

Section 6-226(a)(2)(ii)86.

Annotated Code of Maryland

(2015 Replacement Volume)

(As enacted by Section 3 of this Act)

BY adding to

Article - State Finance and Procurement

Section 6-226(a)(2)(ii)87.

Annotated Code of Maryland

(2015 Replacement Volume)

(Over)

**HB1312/622316/1 House Judiciary Committee  
Amendments to HB 1312  
Page 6 of 52**

(As enacted by Section 3 of this Act)”.

On page 6, in line 16, strike “and (y)”;

and strike in their entirety lines 19 through 23, inclusive.

AMENDMENT NO. 2

On page 6, in line 25, after “That” insert “Section(s) 1-601 through 1-605 and the subtitle “Subtitle 6. Justice Reinvestment Coordinating Council” of Article – Public Safety of the Annotated Code of Maryland be repealed.”

SECTION 2. AND BE IT FURTHER ENACTED, That”.

On page 7, in line 20, strike “AND”; and in line 22, after “DIVISION” insert “;AND”

(III) A PLAN FOR THE PAYMENT OF RESTITUTION, NOT TO SUPERSEDE ANY PAYMENT PLAN ESTABLISHED BY THE COURT, IF RESTITUTION HAS BEEN ORDERED”.

On page 8, in line 11, strike the brackets; and strike beginning with the comma in line 11 down through “OR” in line 13.

On page 9, in line 6, after “subtitle,” insert “AS AN INCENTIVE TO REDUCE A TERM OF INCARCERATION,”; in line 8, after “in” insert “OR COMPLETION OF”; in line 9, strike “or”; in line 10, after “courses” insert “;”

(3) WORKFORCE DEVELOPMENT TRAINING;

(4) COGNITIVE-BEHAVIORAL THERAPY; OR

(5) SUBSTANCE ABUSE THERAPY”;

**HB1312/622316/1 House Judiciary Committee  
Amendments to HB 1312  
Page 7 of 52**

strike beginning with “SEXUAL” in line 25 down through “7” in line 26 and substitute “CRIME OF MANUFACTURING, DISTRIBUTING, DISPENSING, OR POSSESSING A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-612 OR § 5-613”.

On page 10, in line 11, after “(b)” insert “(1) “ABSCONDING” MEANS WILLFULLY EVADING SUPERVISION.

(2) “ABSCONDING” DOES NOT INCLUDE MISSING A SINGLE APPOINTMENT WITH A SUPERVISING AUTHORITY.

(C);

and in lines 12, 14, 21, 22, 23, 25, and 27, strike “(c)”, “(D)”, “(E)”, “(F)”, “(G)”, “(H)”, and “(I)”, respectively, and substitute “(D)”, “(E)”, “(F)”, “(G)”, “(H)”, “(I)”, and “(J)”, respectively.

On page 11, in lines 1, 3, and 8, strike “(J)”, “(K)”, and “(L)”, respectively, and substitute “(K)”, “(L)”, and “(M)”, respectively; in line 10, after “ARREST” insert “OR A SUMMONS ISSUED BY A COMMISSIONER ON A STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER”; in line 11, strike “CONVICTION; OR” and substitute “VIOLATION OF A CRIMINAL PROHIBITION OTHER THAN A MINOR TRAFFIC OFFENSE;”; in line 12, after “NO-CONTACT” insert “OR STAY-AWAY”; in the same line, after “ORDER” insert “; OR

(4) ABSCONDING”;

in line 17, strike “RISK AND NEEDS ASSESSMENT” and substitute “VALIDATED SCREENING TOOL”; in line 20, after “(II)” insert “ADMINISTER A RISK AND NEEDS ASSESSMENT AND”; in line 21, strike “ASSESSED” and substitute “SCREENED”; in line

(Over)

**HB1312/622316/1 House Judiciary Committee  
Amendments to HB 1312  
Page 8 of 52**

24, after “A” insert “VALIDATED SCREENING TOOL OR”; in line 25, strike the first “ITEM” and substitute “ITEMS”; and in the same line, after “(I)” insert “OR (II)”.

On pages 11 and 12, strike in their entirety the lines beginning with line 28 on page 11 through line 3 on page 12, inclusive.

On page 12, in lines 4, 8, and 11, strike “(VI)”, “(VII)”, and “(VIII)”, respectively, and substitute “(V)”, “(VI)”, and “(VII)”, respectively; strike beginning with “RISK” in line 25 down through “ASSESSMENT” in line 26 and substitute “VALIDATED SCREENING TOOL”; strike beginning with “SUPERVISE” in line 28 down through “(3)” in line 31 and substitute “ADMINISTER A RISK AND NEEDS ASSESSMENT AND”; in line 32, strike “ASSESSED” and substitute “WHO HAS BEEN SCREENED”; and after line 32, insert:

**“(3) SUPERVISE AN INDIVIDUAL BASED ON THE PROBATION ORDER AND, TO THE EXTENT NOT INCONSISTENT WITH THAT ORDER, ON THE RESULTS OF A VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEMS (1) OR (2) OF THIS SECTION;”.**

On page 13, strike beginning with “MODIFY” in line 1 down through “IMPOSING” in line 2 and substitute “IMPOSE”; in line 4, after “TO” insert “SEEKING”; in line 5, strike “AND”; in line 6, after “(5)” insert “PROVIDE PROMPT NOTICE TO THE COURT OF ANY TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS SUBTITLE; AND

**(6)**;

strike beginning with “AND” in line 6 down through “SUBTITLE” in line 8; and in line 21, strike “PROGRESS” and substitute “COMPLIANCE”.

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 9 of 52**

On page 14, in line 10, strike “5-602 through **5-606, OR § 5-617**” and substitute “**5-612 THROUGH 5-614**”; in the same line, strike the third bracket; in line 11, strike the bracket; strike beginning with “**TIME**” in line 25 down through “**APPLICABLE,**” in line 26; and strike beginning with “**TRANSFER**” in line 28 down through “**TO**” in line 29 and substitute “**PLACE THE INDIVIDUAL ON**”.

On page 15, in line 22, strike “General Fund” and substitute “**PERFORMANCE INCENTIVE GRANT FUND ESTABLISHED UNDER § 9-3209 OF THE STATE GOVERNMENT ARTICLE**”.

**AMENDMENT NO. 3**

On page 16, in line 13, strike “**AND**” and substitute a comma; in the same line, after “**RECIDIVISM**” insert “**, AND TO PAY RESTITUTION**”; in line 17, strike “**DIVISION**” and substitute “**DEPARTMENT**”; in line 24, after “**CHANGE**” insert “**, INCLUDING REGARDING THE PAYMENT OF RESTITUTION**”; in line 28, after “**(B)**” insert “**(1)**”; after line 29, insert:

“**(2) GRADUATED SANCTIONS MAY NOT INCLUDE INCARCERATION OR INVOLUNTARY DETENTION.**”

**(3) THE DIVISION SHALL PROVIDE NOTICE TO THE COURT OF A TECHNICAL VIOLATION COMMITTED AND A GRADUATED SANCTION IMPOSED AS A RESULT OF THE VIOLATION.**”;

and in line 30, strike “**ON OR BEFORE JULY 1, 2017, THE**” and substitute “**THE**”.

On page 17, in line 5, after “**PROGRAM**” insert “**AND TO ENSURE THAT DUE PROCESS PROTECTIONS ARE IN PLACE FOR AN INDIVIDUAL UNDER THE SUPERVISION OF THE DIVISION TO CHALLENGE GRADUATED SANCTIONS IMPOSED UNDER THE PROGRAM**”; in line 8, after “**POSSIBLE**” insert

(Over)

“NONCUSTODIAL”; strike in their entirety lines 10 through 12, inclusive; in line 13, strike “(E)” and substitute “(D)”; and in line 14, strike “MAY” and substitute “SHALL”.

On page 18, strike in their entirety lines 23 through 26, inclusive, and substitute:

“(B) IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT OF NONVIOLENT EX-OFFENDERS AND REMOVE BARRIERS TO THEIR ABILITY TO DEMONSTRATE FITNESS FOR OCCUPATIONAL LICENSES OR CERTIFICATIONS REQUIRED BY THE STATE.

(C) A LICENSING BOARD MAY NOT DENY AN OCCUPATIONAL LICENSE OR CERTIFICATE TO AN APPLICANT WHO HAS BEEN ISSUED A CERTIFICATE OF REHABILITATION SOLELY ON THE BASIS THAT THE APPLICANT HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME THAT IS THE SUBJECT OF THE CERTIFICATE OF REHABILITATION, UNLESS THE LICENSING BOARD DETERMINES THAT:

(1) THERE IS A DIRECT RELATIONSHIP BETWEEN THE APPLICANT’S PREVIOUS CONVICTION AND THE SPECIFIC OCCUPATIONAL LICENSE OR CERTIFICATE SOUGHT; OR

(2) THE ISSUANCE OF THE LICENSE OR CERTIFICATE WOULD INVOLVE AN UNREASONABLE RISK TO PROPERTY OR TO THE SAFETY OR WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC.

(D) IN MAKING A DETERMINATION UNDER SUBSECTION (C) OF THIS SECTION, THE LICENSING BOARD SHALL CONSIDER:

(1) THE POLICY OF THE STATE EXPRESSED IN SUBSECTION (B) OF THIS SECTION;

**(2) THE SPECIFIC DUTIES AND RESPONSIBILITIES REQUIRED OF A LICENSEE OR CERTIFICATE HOLDER;**

**(3) WHETHER THE APPLICANT’S PREVIOUS CONVICTION HAS ANY IMPACT ON THE APPLICANT’S FITNESS OR ABILITY TO PERFORM THE DUTIES AND RESPONSIBILITIES AUTHORIZED BY THE LICENSE OR CERTIFICATE;**

**(4) THE AGE OF THE APPLICANT AT THE TIME OF THE CONVICTION AND THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE CONVICTION;**

**(5) THE SERIOUSNESS OF THE OFFENSE FOR WHICH THE APPLICANT WAS CONVICTED;**

**(6) OTHER INFORMATION PROVIDED BY THE APPLICANT OR ON THE APPLICANT’S BEHALF WITH REGARD TO THE APPLICANT’S REHABILITATION AND GOOD CONDUCT; AND**

**(7) THE LEGITIMATE INTEREST OF THE DEPARTMENT IN PROTECTING PROPERTY AND THE SAFETY AND WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC.”;**

in line 27, strike “(C)” and substitute “(E)”; and after line 28, insert:

**“(F) THE COURT OF APPEALS IS NOT A LICENSING BOARD FOR PURPOSES OF THIS SECTION.”.**

**AMENDMENT NO. 4**

On page 19, in line 1, strike “(D)” and substitute “(G)”; in line 3, strike the second comma; in the same line, strike “THE SENTENCING JUDGE,”; in line 11, after “parole”

**HB1312/622316/1 House Judiciary Committee  
Amendments to HB 1312  
Page 12 of 52**

insert "OR ADMINISTRATIVE RELEASE"; and in line 18, strike "PAROLE" and substitute "RELEASE".

On page 20, in lines 3 and 14, in each instance, strike "PAROLE" and substitute "RELEASE".

On page 21, in line 11, strike the first "PAROLE" and substitute "RELEASE"; in the same line, strike "TO PAROLE"; after line 24, insert:

**"(4) "VICTIM" MEANS:**

**(I) A PERSON WHO IS THE VICTIM OF A CRIME COMMITTED BY AN ELIGIBLE INMATE; OR**

**(II) IF THE PERSON DESCRIBED IN ITEM (I) OF THIS PARAGRAPH IS DECEASED, DISABLED, OR A MINOR, A DESIGNATED FAMILY MEMBER, GUARDIAN AD LITEM, OR OTHER REPRESENTATIVE OF THE PERSON."**

in line 25, strike "LOCAL"; in line 26, strike "REQUEST THAT THE DIVISION OF PAROLE AND PROBATION" and substitute ":

**(I)**;

in line 27, strike the colon; in line 28, strike "(I)"; and in line 29, strike "PAROLE" and substitute "RELEASE".

On page 22, in line 2, strike "TO PAROLE"; in lines 4, 24, 28, and 30, in each instance, strike "PAROLE" and substitute "RELEASE"; strike in their entirety lines 6 through 15, inclusive; in line 16, strike "(3)" and substitute "(2)"; in lines 16 and 17, strike "PARAGRAPHS (1) AND (2)" and substitute "PARAGRAPH (1)"; and in line 31,

after “(E)” insert “**(1) NOTWITHSTANDING THE LIMITATIONS ON WHO IS CONSIDERED A VICTIM IN § 7-801 OF THIS TITLE, FOR PURPOSES OF THIS SECTION, A VICTIM HAS ALL THE RIGHTS UNDER THIS SECTION THAT ARE GRANTED TO A VICTIM UNDER THIS TITLE FOR A PAROLE HEARING.**”

**(2)**”.

On page 23, in lines 1, 3, and 5, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in lines 1, 8, and 21, in each instance, strike “PAROLE” and substitute “**RELEASE**”; in line 3, strike “PAROLE”; in line 12, strike “SERIOUS” and substitute “**CATEGORY 1 OR CATEGORY 2**”; in the same line, after “VIOLATION” insert “**, AS DEFINED IN 12.02.27.04 OF THE CODE OF MARYLAND REGULATIONS,**”; in line 13, strike “30” and substitute “**120**”; in lines 13 and 19, in each instance, strike “PAROLE” and substitute “**ADMINISTRATIVE RELEASE**”; after line 19, insert:

**“(H) AN INDIVIDUAL ON ADMINISTRATIVE RELEASE IS SUBJECT TO:**

**(1) THE JURISDICTION OF THE COMMISSION IN THE SAME MANNER AS A PAROLEE; AND**

**(2) ALL LAWS AND CONDITIONS THAT APPLY TO PAROLEES.**”;

and in line 20, strike “(H)” and substitute “(I)”.

**AMENDMENT NO. 5**

On page 24, in line 22, strike “PERMANENTLY” and substitute “**CHRONICALLY**”.

On page 25, strike beginning with “TWO” in line 13 down through “CORRECTION” in line 15 and substitute:

(Over)

“(I) A RECOMMENDATION BY THE MEDICAL PROFESSIONAL TREATING THE INMATE UNDER CONTRACT WITH THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY; OR

(II) IF REQUESTED BY AN INDIVIDUAL IDENTIFIED IN SUBSECTION (C)(1) OF THIS SECTION, ONE MEDICAL EVALUATION CONDUCTED AT NO COST TO THE INMATE BY A MEDICAL PROFESSIONAL WHO IS INDEPENDENT FROM THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY”.

On page 26, in line 29, after the second “be” insert “REDUCED OR”; and strike beginning with “Consistent” in line 30 down through “Governor” in line 31 and substitute:

“(1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.

(2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN TRANSMITTAL TO THE COMMISSION.

(3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN 180 DAYS AFTER RECEIPT OF THE WRITTEN TRANSMITTAL, THE DECISION BECOMES EFFECTIVE”.

AMENDMENT NO. 6

On page 27, in line 23, strike “IF” and substitute “SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF”.

On page 28, after line 11, insert:

“(4) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF IMPRISONMENT THAT MAY BE IMPOSED FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF A COMMISSIONER FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF IMPRISONMENT ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE PAROLE VIOLATION;
2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE PAROLEE WAS CONVICTED; AND
3. THE PAROLEE’S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSIONER MAY:

1. DIRECT IMPOSITION OF A LONGER PERIOD OF IMPRISONMENT THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR
2. COMMIT THE PAROLEE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.

(Over)

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.”;

and in line 27, strike “The” and substitute “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE”.

On page 29, strike in their entirety lines 12 through 14, inclusive, and substitute:

“(3) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE REVOCATION OF DIMINUTION CREDITS FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF A COMMISSIONER FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE REVOCATION OF DIMINUTION CREDITS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE MANDATORY SUPERVISION VIOLATION;

2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE INMATE WAS CONVICTED; AND

3. THE INMATE’S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSIONER MAY:

1. DIRECT THAT A GREATER NUMBER OF DIMINUTION CREDITS BE REVOKED THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION; OR

2. COMMIT THE INMATE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.”;

and after line 14, insert:

“9-402.

(a) In this section, “sentenced inmates” means those inmates confined in a local correctional facility after being sentenced to the custody of the local correctional facility for more than 12 months and not more than 18 months.

(b) Subject to subsection (d) of this section, for each fiscal year the State shall provide each county a grant equal to at least \$45 for each day from the end of the 12th month through the end of the 18th month that a sentenced inmate was confined in a local correctional facility during the second preceding fiscal year.

(Over)

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 18 of 52**

(c) Subject to subsection (d) of this section, for each fiscal year the State shall provide each county a grant equal to at least \$45:

(1) for each day after the first day through the day of release that an inmate who has been sentenced to the jurisdiction of the Division of Correction was confined in a local correctional facility during the second preceding fiscal year; AND

(2) FOR EACH DAY THAT AN INMATE WHO HAS BEEN SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION RECEIVED REENTRY OR OTHER PRE-RELEASE PROGRAMMING AND SERVICES FROM A LOCAL CORRECTIONAL FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.

(d) (1) On or before October 1 of each year, each county shall submit to the Department inmate days reports for the previous fiscal year.

(2) If a county fails to submit the information required under paragraph (1) of this subsection when due, the Department shall deduct an amount equal to 20% of the grant under subsection (b) of this section for each 30 days or part of 30 days after the due date that the information has not been submitted.”.

AMENDMENT NO. 7

On page 30, strike in their entirety lines 1 through 6, inclusive; in lines 7 and 17, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively; and in line 9, strike “**OR (2)**”.

AMENDMENT NO. 8

On pages 33 through 36, strike in their entirety the lines beginning with line 4 on page 33 through line 15 on page 36, inclusive, and substitute:

“(c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to [imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both];

(I) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH;

(II) FOR A SECOND OR THIRD CONVICTION, IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR

(III) FOR A FOURTH OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana IS GUILTY OF A MISDEMEANOR AND is subject to imprisonment not exceeding [1 year] 6 MONTHS or a fine not exceeding \$1,000 or both.”.

On page 36, in line 16, strike “(F)” and substitute “(E)”; in the same line, after “(1)” insert “(I)”; in the same line, strike “OR (D)”; in line 17, strike “SHALL” and substitute “MAY”; strike beginning with “PUBLIC” in line 17 down through “TREATMENT” in line 20 and substitute “HEALTH AND MENTAL HYGIENE OR A CERTIFIED AND LICENSED DESIGNEE TO CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND DETERMINE WHETHER THE DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT.”

(II) IF AN ASSESSMENT FOR SUBSTANCE USE DISORDER IS REQUESTED BY THE DEFENDANT AND THE COURT DENIES THE REQUEST, THE COURT SHALL STATE ON THE RECORD THE BASIS FOR THE DENIAL”;

(Over)

strike beginning with “THE” in line 21 down through “ASSESSMENT” in line 23 and substitute “ON RECEIVING AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DESIGNEE, SHALL CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND PROVIDE THE RESULTS”; in line 25, strike “AND INCORPORATE”; in line 26, strike “THE” and substitute “AN”; in the same line, strike “IN” and substitute “UNDER”; in the same line, strike “INTO” and substitute “WHEN IMPOSING”; strike beginning with “IF” in line 28 down through “SAFETY” in line 29 and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH”; in line 29, after the second “THE” insert “EXECUTION OF THE”; and strike beginning with “DIVISION” in line 31 down through “COMMUNITY” in line 32 and substitute “DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR THE DESIGNEE TO PROVIDE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT”.

On page 37, strike beginning with “IF” in line 1 down through “SAFETY,” in line 2; in line 3, strike “OR (D)”; in line 4, strike “PROVIDE” and substitute “FACILITATE THE MEDICALLY APPROPRIATE LEVEL OF”; and in line 5, after “TREATMENT” insert “FOR THE DEFENDANT”.

On pages 37 through 39, strike in their entirety the lines beginning with line 6 on page 37 through line 14 on page 39, inclusive.

AMENDMENT NO. 9

On page 39, after line 14, insert:

“5-602.

Except as otherwise provided in this title, a person may not:

- (1) distribute or dispense a controlled dangerous substance; or

(2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.

5-603.

Except as otherwise provided in this title, a person may not manufacture a controlled dangerous substance, or manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance in violation of this title.

5-604.

(a) In this section, "counterfeit substance" means a controlled dangerous substance, or its container or labeling, that:

(1) without authorization, bears a likeness of the trademark, trade name, or other identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser other than the actual manufacturer, distributor, or dispenser;  
and

(2) thereby falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser.

(b) Except as otherwise provided in this title, a person may not:

(1) create or distribute a counterfeit substance; or

(2) possess a counterfeit substance with intent to distribute it.

(Over)

(c) Except as otherwise provided in this title, a person may not manufacture, distribute, or possess equipment that is designed to print, imprint, or reproduce an authentic or imitation trademark, trade name, other identifying mark, imprint, number, or device of another onto a drug or the container or label of a drug, rendering the drug a counterfeit substance.

5-605.

(a) "Common nuisance" means a dwelling, building, vehicle, vessel, aircraft, or other place:

(1) resorted to by individuals for the purpose of administering illegally controlled dangerous substances; or

(2) where controlled dangerous substances or controlled paraphernalia are manufactured, distributed, dispensed, stored, or concealed illegally.

(b) A person may not keep a common nuisance.

5-606.

(a) Except as otherwise provided in this title, a person may not pass, issue, make, or possess a false, counterfeit, or altered prescription for a controlled dangerous substance with intent to distribute the controlled dangerous substance.

(b) Information that is communicated to an authorized prescriber in an effort to obtain a controlled dangerous substance in violation of subsection (a) of this section is not a privileged communication.”;

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 23 of 52**

strike beginning with “(1)” in line 20 down through “(c)” in line 27; in line 27, strike “subsection (a) of”; in line 34, strike “20” and substitute “**10**”; and in the same line, strike “\$25,000” and substitute “**\$15,000**”.

On page 40, in line 1, strike “(1)”; in the same line, strike “**SUBJECT TO § 5-609.1** of this subtitle, a” and substitute “**A**”; in lines 3 and 18, in each instance, strike “shall be sentenced” and substitute “**IS SUBJECT**”; in lines 3 and 4, strike “for not less than” and substitute “**NOT EXCEEDING**”; in lines 4 and 19, in each instance, strike “and is subject to” and substitute “**OR**”; in line 4, strike “\$100,000” and substitute “**\$15,000 OR BOTH**”; in lines 6, 7, and 9, strike “(i)”, “(ii)”, and “(iii)”, respectively, and substitute “**(1)**”, “**(2)**”, and “**(3)**”, respectively; strike in their entirety lines 12 through 15, inclusive; in line 16, strike “**SUBJECT TO § 5-609.1** of this subtitle, a” and substitute “**A**”; in lines 18 and 19, strike “for not less than 25” and substitute “**NOT EXCEEDING 15**”; and in line 19, strike “\$100,000” and substitute “**\$25,000 OR BOTH**”.

On page 41, strike in their entirety lines 7 through 10, inclusive; in line 11, strike “(4)” and substitute “**(2)**”; in line 13, strike “(1)”; in the same line, strike “**SUBJECT TO § 5-609.1** of this subtitle, a” and substitute “**A**”; in line 15, strike “shall be sentenced” and substitute “**IS SUBJECT**”; in lines 15 and 16, strike “for not less than 40” and substitute “**NOT EXCEEDING 20**”; in line 16, strike “and is subject to” and substitute “**OR**”; in the same line, strike “\$100,000” and substitute “**\$25,000 OR BOTH**”; in lines 19, 20, 22, and 25, strike “(i)”, “(ii)”, “(iii)”, and “(iv)”, respectively, and substitute “**(1)**”, “**(2)**”, “**(3)**”, and “**(4)**”, respectively; and strike in their entirety lines 26 through 29, inclusive.

On page 42, in line 5, strike “20” and substitute “**10**”; in the same line, strike “\$20,000” and substitute “**\$15,000**”; in line 15, strike “(1)”; in the same line, strike “**SUBJECT TO § 5-609.1** of this subtitle, a” and substitute “**A**”; in line 17, strike “shall be sentenced” and substitute “**IS SUBJECT**”; in lines 17 and 18, strike “for not less than” and substitute “**NOT EXCEEDING**”; in line 18, strike “and is subject to” and substitute

(Over)

HB1312/622316/1 House Judiciary Committee  
Amendments to HB 1312  
Page 24 of 52

“OR”; in the same line, strike “\$100,000” and substitute “\$15,000 OR BOTH”; in lines 20, 21, 23, and 26, strike “(i)”, “(ii)”, “(iii)”, and “(iv)”, respectively, and substitute “(1)”, “(2)”, “(3)”, and “(4)”, respectively; and strike in their entirety lines 27 through 30, inclusive.

On page 43, in line 1, strike “**SUBJECT TO § 5-609.1 of this subtitle, a**” and substitute “A”; in lines 3 and 26, in each instance, strike “shall be sentenced” and substitute “IS SUBJECT”; in lines 3 and 4, strike “for not less than 25” and substitute “NOT EXCEEDING 15”; in lines 4 and 27, in each instance, strike “and is subject to” and substitute “OR”; in line 4, strike “\$100,000” and substitute “\$25,000 OR BOTH”; strike in their entirety lines 18 through 21, inclusive; in line 22, strike “(4)” and substitute “(2)”; in line 24, strike “(1)”; in the same line, strike “**SUBJECT TO § 5-609.1 of this subtitle, a**” and substitute “A”; in lines 26 and 27, strike “for not less than 40” and substitute “NOT EXCEEDING 20”; in line 27, strike “\$100,000” and substitute “\$25,000 OR BOTH”; and in lines 29 and 30, strike “(i)” and “(ii)”, respectively, and substitute “(1)” and “(2)”, respectively.

On page 44, in lines 1 and 4, strike “(iii)” and “(iv)”, respectively, and substitute “(3)” and “(4)”, respectively; and strike in their entirety lines 5 through 8, inclusive.

On pages 44 and 45, strike in their entirety the lines beginning with line 13 on page 44 through line 15 on page 45, inclusive, and substitute:

**5-609.1.**

**(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS SERVING A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR BEFORE SEPTEMBER 30, 2017, FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE**

MANDATORY MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4-345, REGARDLESS OF WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.

(B) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE MANDATORY MINIMUM SENTENCE UNLESS THE STATE SHOWS THAT, GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE DEFENDANT, AND THE DEFENDANT'S CHANCES OF SUCCESSFUL REHABILITATION:

(1) RETENTION OF THE MANDATORY MINIMUM SENTENCE WOULD NOT RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND

(2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE PROTECTION OF THE PUBLIC.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICATION FOR A HEARING UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30, 2018.

(2) THE COURT MAY CONSIDER AN APPLICATION AFTER SEPTEMBER 30, 2018, ONLY FOR GOOD CAUSE SHOWN.

(3) THE COURT SHALL NOTIFY THE STATE'S ATTORNEY OF A REQUEST FOR A HEARING.

**(4) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION FOR A HEARING UNDER SUBSECTION (A) OF THIS SECTION FOR A MANDATORY MINIMUM SENTENCE FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THIS SUBTITLE.”.**

On page 46, after line 14, insert:

“5-905.

**(a) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A person convicted of a subsequent crime under this title is subject to:**

- (1) a term of imprisonment twice that otherwise authorized;**
- (2) twice the fine otherwise authorized; or**
- (3) both.**

**(b) For purposes of this section, a crime is considered a subsequent crime, if, before the conviction for the crime, the offender has ever been convicted of a crime under this title or under any law of the United States or of this or another state relating to other controlled dangerous substances.**

**(c) A person convicted of a subsequent crime under a law superseded by this title is eligible for parole, probation, and suspension of sentence in the same manner as those persons convicted under this title.**

**(d) A sentence on a single count under this section may be imposed in conjunction with other sentences under this title.**

**(E) A PERSON WHOSE PRIOR AND SUBSEQUENT CONVICTIONS WERE FOR A VIOLATION OF § 5-601, § 5-602, § 5-603, § 5-604, § 5-605, OR § 5-606 OF THIS**

**TITLE IS SUBJECT TO THIS SECTION ONLY IF THE PERSON WAS ALSO PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THIS ARTICLE.**

On page 48 in line 16, on page 49 in line 5, on page 50 in lines 6 and 24, on page 51 in lines 4, 7, 9, and 33, on page 52 in lines 13 and 31, on page 53 in lines 12, 24, and 37, on page 56 in line 32, on page 57 in lines 13 and 36, on page 59 in lines 1, 8, and 17, on page 60 in line 21, and on page 61 in line 8, in each instance, strike “\$2,000” and substitute “\$1,500”.

On page 49 in line 6, on page 51 in line 11, on page 52 in lines 14 and 15, on page 53 in line 14, on page 54 in lines 1 and 2, on page 57 in lines 14 and 22, on page 59 in line 11, and on page 61 in line 9, in each instance, strike “12 months” and substitute “360 DAYS”.

On page 49, in lines 16 and 30, in each instance, strike the bracket; in line 16, strike “two” and substitute “FOUR”; and in line 18, strike “\$1,000” and substitute “\$1,500”.

AMENDMENT NO. 10

On page 61, after line 12, insert:

“9–801.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Coerce” means to compel or attempt to compel another by threat of harm or other adverse consequences.
- (c) “Criminal gang” means a group or association of three or more persons whose members:

(1) individually or collectively engage in a pattern of criminal gang activity;

(2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and

(3) have in common an overt or covert organizational or command structure.

**(D) “ENTERPRISE” INCLUDES:**

**(1) A SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, BUSINESS TRUST, OR OTHER LEGAL ENTITY; OR**

**(2) ANY GROUP OF INDIVIDUALS ASSOCIATED IN FACT ALTHOUGH NOT A LEGAL ENTITY.**

**[(d)] (E) “Pattern of criminal gang activity” means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult, provided the crimes or acts were not part of the same incident.**

**[(e)] (F) “Solicit” has the meaning stated in § 11–301 of this article.**

**[(f)] (G) “Underlying crime” means:**

**(1) a crime of violence as defined under § 14–101 of this article;**

**(2) a violation of § 3–203 (second degree assault), § 4–203 (wearing, carrying, or transporting a handgun), § 9–302 (inducing false testimony or avoidance of**

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 29 of 52**

subpoena), § 9–303 (retaliation for testimony), § 9–305 (intimidating or corrupting juror), § 11–303 (human trafficking), § 11–304 (receiving earnings of prostitute), or § 11–306(a)(2), (3), or (4) (house of prostitution) of this article;

(3) a felony violation of § 3–701 (extortion), § 4–503 (manufacture or possession of destructive device), § 5–602 (distribution of CDS), § 5–603 (manufacturing CDS or equipment), § 5–604(B) (CREATING OR POSSESSING A COUNTERFEIT SUBSTANCE), § 5–606 (FALSE PRESCRIPTION), § 6–103 (second degree arson), § 6–202 (first degree burglary), § 6–203 (second degree burglary), § 6–204 (third degree burglary), § 7–104 (theft), or § 7–105 (unauthorized use of a motor vehicle) of this article;  
or

(4) a felony violation of § 5–133 of the Public Safety Article.

9–802.

(a) A person may not threaten an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding ~~[\$1,000]~~ \$10,000 or both.

9–803.

(a) A person may not threaten an individual, or a friend or family member of an individual, with or use physical violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang:

(1) in a school vehicle, as defined under § 11–154 of the Transportation Article; or

(Over)

(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding [\$4,000] \$20,000 or both.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 9–802 of this subtitle.

9–804.

(a) A person may not:

(1) participate in a criminal gang knowing that the members of the gang engage in a pattern of criminal gang activity; and

(2) knowingly and willfully direct or participate in an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal gang.

**(B) A CRIMINAL GANG OR AN INDIVIDUAL BELONGING TO A CRIMINAL GANG MAY NOT:**

(1) RECEIVE PROCEEDS KNOWN TO HAVE BEEN DERIVED DIRECTLY OR INDIRECTLY FROM AN UNDERLYING CRIME; AND

(2) USE OR INVEST, DIRECTLY OR INDIRECTLY, AN AGGREGATE OF \$10,000 OR MORE OF THE PROCEEDS FROM AN UNDERLYING CRIME IN:

(I) THE ACQUISITION OF A TITLE TO, RIGHT TO, INTEREST IN, OR EQUITY IN REAL PROPERTY; OR

(II) THE ESTABLISHMENT OR OPERATION OF ANY ENTERPRISE.

(C) A CRIMINAL GANG MAY NOT ACQUIRE OR MAINTAIN, DIRECTLY OR INDIRECTLY, ANY INTEREST IN OR CONTROL OF ANY ENTERPRISE OR REAL PROPERTY THROUGH AN UNDERLYING CRIME.

(D) A PERSON MAY NOT CONSPIRE TO VIOLATE SUBSECTION (A), (B), OR (C) OF THIS SECTION.

[(b)] (E) A person may not violate subsection (a) of this section that results in the death of a victim.

[(c)] (F) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 15 years or a fine not exceeding [\$100,000] \$1,000,000 or both.

(ii) A person who violates subsection [(b)] (E) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [20] 25 years or a fine not exceeding [\$100,000] \$5,000,000 or both.

(2) (i) A sentence imposed under paragraph (1)(i) of this subsection for a first offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this section.

(ii) A sentence imposed under paragraph (1)(i) of this subsection for a second or subsequent offense, or paragraph (1)(ii) of this subsection shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

(iii) A consecutive sentence for a second or subsequent offense shall not be mandatory unless the State notifies the person in writing of the State's intention to proceed against the person as a second or subsequent offender at least 30 days before trial.

**(3) IN ADDITION TO THE OTHER PENALTIES PROVIDED IN THIS SUBSECTION, ON CONVICTION THE COURT MAY:**

**(I) ORDER A PERSON OR CRIMINAL GANG TO BE DIVESTED OF ANY INTEREST IN AN ENTERPRISE OR REAL PROPERTY;**

**(II) ORDER THE DISSOLUTION OR REORGANIZATION OF AN ENTERPRISE; AND**

**(III) ORDER THE SUSPENSION OR REVOCATION OF ANY LICENSE, PERMIT, OR PRIOR APPROVAL GRANTED TO THE ENTERPRISE OR PERSON BY A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.**

(G) (1) THIS SUBSECTION APPLIES TO A VIOLATION OF § 5-602, § 5-603, § 5-604(B), § 5-606, § 5-612, § 5-613, § 5-614, OR § 5-617 OF THIS ARTICLE.

(2) ASSETS DIVESTED UNDER THIS SECTION AND DERIVED FROM THE COMMISSION OF, ATTEMPTED COMMISSION OF, CONSPIRACY TO COMMIT, OR SOLICITATION OF A CRIME DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, EITHER IN WHOLE OR IN PART, SHALL BE DEPOSITED IN THE ADDICTION TREATMENT DIVESTITURE FUND ESTABLISHED UNDER § 8-6D-01 OF THE HEALTH – GENERAL ARTICLE.

[(d)] (H) A person may be charged with a violation of this section only by indictment, criminal information, or petition alleging a delinquent act.

[(e)] (I) (1) The Attorney General, at the request of the GOVERNOR OR THE State's Attorney for a county in which a violation or an act establishing a violation of this section occurs, may:

- (i) aid in the investigation of the violation or act; and
- (ii) prosecute the violation or act.

(2) In exercising authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of the grand jury in the county, to prosecute the violation.

(3) Notwithstanding any other provision of law, in circumstances in which violations of this section are alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined.

[(f)] (J) Notwithstanding any other provision of law and provided at least one criminal gang activity of a criminal gang allegedly occurred in the county in which a grand jury is sitting, the grand jury may issue subpoenas, summon witnesses, and otherwise conduct an investigation of the alleged criminal gang's activities and offenses in other counties.

9-805.

(a) A person may not organize, supervise, PROMOTE, SPONSOR, finance, or manage a criminal gang.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding [\$100,000] \$1,000,000 or both.

(c) A sentence imposed under this section shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

9-807.

FOR PURPOSES OF VENUE, ANY VIOLATION OF THIS SUBTITLE IS CONSIDERED TO HAVE BEEN COMMITTED IN ANY COUNTY:

(1) IN WHICH ANY ACT WAS PERFORMED IN FURTHERANCE OF A VIOLATION OF THIS SUBTITLE;

(2) THAT IS THE PRINCIPAL PLACE OF THE OPERATIONS OF THE CRIMINAL GANG IN THE STATE;

**(3) IN WHICH A DEFENDANT HAD CONTROL OR POSSESSION OF PROCEEDS OF A VIOLATION OF THIS SUBTITLE OR OF RECORDS OR OTHER MATERIAL OR OBJECTS THAT WERE USED IN FURTHERANCE OF A VIOLATION; OR**

**(4) IN WHICH A DEFENDANT RESIDES.”.**

AMENDMENT NO. 11

On page 64, in line 5, strike “OR ONE-THIRD OF THE PERSON’S TOTAL AGGREGATE SENTENCE”; after line 10, insert:

**“(b) “ABSCONDING” HAS THE MEANING STATED IN § 6-101 OF THE CORRECTIONAL SERVICES ARTICLE.**

**(C) (1) “Charging document” means a written accusation alleging that a defendant has committed a crime.**

**(2) “Charging document” includes a citation, an indictment, an information, a statement of charges, and a warrant.**

**[(c)] (D) “Correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.**

**[(d)] (E) “County” means a county of the State or Baltimore City.**

**[(e)] (F) “Crime of violence” has the meaning stated in § 14–101 of the Criminal Law Article.**

**[(f)] (G) “Department” means the Department of Public Safety and Correctional Services.**

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 36 of 52**

**[(g)] (H)** “Inmate” has the meaning stated in § 1–101 of the Correctional Services Article.

**[(h)] (I)** “Local correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.

**[(i)] (J)** “Managing official” has the meaning stated in § 1–101 of the Correctional Services Article.

**[(i)] (K)** “Nolle prosequi” means a formal entry on the record by the State that declares the State’s intention not to prosecute a charge.

**[(k)] (L)** “Nolo contendere” means a plea stating that the defendant will not contest the charge but does not admit guilt or claim innocence.

**[(l)] (M)** “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.

**[(m)] (N)** “Secretary” means the Secretary of the Department of Public Safety and Correctional Services.

**[(n)] (O)** “State” means:

(1) a state, possession, territory, or commonwealth of the United States;

or

(2) the District of Columbia.

**[(o)] (P)** “State correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.”;

in line 11, strike “(P)” and substitute “(Q)”; and strike beginning with “MEANS” in line 11 down through “ORDER” in line 15 and substitute “HAS THE MEANING STATED IN § 6-101 OF THE CORRECTIONAL SERVICES ARTICLE”.

On pages 64 and 65, strike in their entirety the lines beginning with line 16 on page 64 through line 12 on page 65, inclusive.

AMENDMENT NO. 12

On page 65, in line 30, after “(I)” insert “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,”.

On page 66, after line 8, insert:

“(3) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF INCARCERATION THAT MAY BE IMPOSED FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (2) OF THIS SUBSECTION ARE APPLICABLE.

“(II) THE PRESUMPTION MAY BE REBUTTED IF THE COURT FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF INCARCERATION ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE PROBATION VIOLATION;
2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE PROBATIONER OR DEFENDANT WAS CONVICTED; AND

(Over)

**3. THE PROBATIONER’S OR DEFENDANT’S HISTORY.**

**(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT MAY:**

**1. DIRECT IMPOSITION OF A LONGER PERIOD OF INCARCERATION THAN PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR**

**2. COMMIT THE PROBATIONER OR DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.**

**(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.”;**

in line 28, strike “**IF**” and substitute “**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF**”; and in lines 28 and 29, in each instance, strike “**JUDGE**” and substitute “**COURT**”.

On page 67, in lines 1, 2, 3, and 5, strike “**(1)**”, “**(2)**”, “**(3)**”, and “**(4)**”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively; and after line 6, insert:

**“(2) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF INCARCERATION THAT MAY BE IMPOSED FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.**

(II) THE PRESUMPTION MAY BE REBUTTED IF THE COURT FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF INCARCERATION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE PROBATION VIOLATION;
2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE DEFENDANT WAS CONVICTED; AND
3. THE DEFENDANT'S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT MAY:

1. DIRECT IMPOSITION OF A LONGER PERIOD OF INCARCERATION THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR
2. COMMIT THE DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.”.

AMENDMENT NO. 13

On page 68, in line 22, strike “if appropriate funding is provided”; strike beginning with “The” in line 25 down through “(ii)” in line 27; and in line 29, strike “(iii)” and substitute “(II)”.

On page 69, in lines 2 and 5, in each instance, strike “**30**” and substitute “21”.

On page 70, after line 21, insert:

“SUBTITLE 6D. ADDICTION TREATMENT DIVESTITURE FUND.

8-6D-01.

(A) THERE IS AN ADDICTION TREATMENT DIVESTITURE FUND IN THE DEPARTMENT.

(B) THE PURPOSE OF THE FUND IS TO SUPPORT ADDICTION TREATMENT SERVICES TO PERSONS WITH SUBSTANCE-RELATED DISORDERS.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

**(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 9-804 OF THE CRIMINAL LAW ARTICLE;**

**(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**  
**AND**

**(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

**(F) THE FUND MAY BE USED ONLY TO SUPPORT THE ACTIONS OF THE SECRETARY TO PROVIDE TREATMENT FOR SUBSTANCE-RELATED DISORDERS.**

**(G) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

**(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(Over)

**HB1312/622316/1 House Judiciary Committee  
Amendments to HB 1312  
Page 42 of 52**

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

85. the Military Personnel and Veteran-Owned Small Business No-Interest Loan Fund; [and]

86. the Performance Incentive Grant Fund; AND

87. THE ADDICTION TREATMENT DIVESTITURE FUND.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

On page 71, in lines 3 and 13, in each instance, strike "COUNTY".

AMENDMENT NO. 14

On page 72, in line 15, strike "ONE MEMBER" and substitute "TWO MEMBERS"; strike beginning with "ONE" in line 17 down through "AND" in line 18 and substitute "THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR THE SECRETARY'S DESIGNEE;

(14) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE;

(15) ONE MEMBER APPOINTED BY THE MARYLAND CHIEFS AND SHERIFFS ASSOCIATION;

(16) THE PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION OR THE PRESIDENT'S DESIGNEE;

(17) TWO MEMBERS OF THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION, APPOINTED BY THE PRESIDENT OF THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION, INCLUDING ONE REPRESENTATIVE FROM A LARGE CORRECTIONAL FACILITY AND ONE REPRESENTATIVE FROM A SMALL CORRECTIONAL FACILITY;

(18) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTIES OR THE PRESIDENT’S DESIGNEE; AND”;

in line 19, strike “(14)” and substitute “(19)”; in line 20, strike “WITH THE ADVICE AND CONSENT OF THE SENATE”; strike beginning with “ONE” in line 22 down through “(III)” in line 24; and strike in their entirety lines 25 and 26 and substitute:

“(III) ONE MEMBER WITH DIRECT EXPERIENCE TEACHING INMATES IN ACADEMIC PROGRAMS INTENDED TO ACHIEVE THE GOAL OF A HIGH SCHOOL DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATION.”.

On page 73, after line 11, insert:

“(5) THE MEMBERS OF THE BOARD APPOINTED FROM THE SENATE OF MARYLAND, THE HOUSE OF DELEGATES, AND THE CHIEF JUDGE OF THE COURT OF APPEALS, SHALL SERVE IN AN ADVISORY CAPACITY ONLY.”;

in line 13, strike “EXECUTIVE DIRECTOR IS” and substitute “GOVERNOR SHALL APPOINT”; and in line 19, strike “TWICE” and substitute “QUARTERLY”.

On page 74, in line 9, after “GOVERNMENT” insert “JUSTICE”; and after line 31, insert:

(Over)

“(B) (1) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD SHALL DETERMINE THE ANNUAL SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL BASED ON THE DIFFERENCE BETWEEN THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2017, THE BASELINE DAY, AND THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2018, THE COMPARISON DAY, AND THE VARIABLE COST OF INCARCERATION.

(2) IF THE PRISON POPULATION ON THE COMPARISON DAY IS LESS THAN THE PRISON POPULATION ON THE BASELINE DAY, THE BOARD SHALL DETERMINE A SAVINGS BASED ON THE DIFFERENCE IN THE PRISON POPULATION MULTIPLIED BY THE VARIABLE COST.

(3) THE BOARD ANNUALLY SHALL DETERMINE THE DIFFERENCE BETWEEN THE PRISON POPULATION ON OCTOBER 1, 2017, AND THE PRISON POPULATION ON OCTOBER 1 OF THE CURRENT YEAR AND CALCULATE ANY SAVINGS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(4) IF A PRISON POPULATION DECLINE CAUSES A CORRECTIONAL UNIT, WING, OR FACILITY TO CLOSE, THE BOARD SHALL CONDUCT AN ASSESSMENT TO DETERMINE THE SAVINGS FROM THE CLOSURE AND DISTRIBUTE THE SAVINGS, REALIZED ANNUALLY, ACCORDING TO THE SCHEDULE IN PARAGRAPH (5) OF THIS SUBSECTION.

(5) THE BOARD ANNUALLY SHALL RECOMMEND THAT THE SAVINGS IDENTIFIED IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION BE DISTRIBUTED AS FOLLOWS:

(I) UP TO 50% OF THE SAVINGS SHALL BE PLACED IN THE PERFORMANCE INCENTIVE GRANT FUND FOR PURPOSES ESTABLISHED UNDER § 9-3209(B)(1) OF THIS SUBTITLE; AND

(II) THE REMAINING SAVINGS SHALL BE USED FOR ADDITIONAL SERVICES IDENTIFIED AS REINVESTMENT PRIORITIES IN THE JUSTICE REINVESTMENT COORDINATING COUNCIL'S FINAL REPORT.

(C) AT EACH MEETING OF THE BOARD, THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE, SHALL REPORT TO THE BOARD:

(1) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE IN THE PREVIOUS 3 MONTHS INCLUDING THE NUMBER OF DAYS THAT IT TOOK TO PLACE EACH INDIVIDUAL INTO TREATMENT AND WHERE THE INDIVIDUAL WAS PLACED FOR TREATMENT;

(2) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE WHO ARE WAITING FOR TREATMENT BUT CANNOT BE PLACED DUE TO LACK OF CAPACITY; AND

(3) THE NUMBER OF INDIVIDUALS ASSESSED FOR SUBSTANCE USE DISORDER IN THE PREVIOUS 3 MONTHS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE AND WHETHER EACH INDIVIDUAL WAS PLACED INTO TREATMENT AS A RESULT OF THE ASSESSMENT.”.

On page 75, in line 1, strike “(B)” and substitute “(D) (1)”; strike beginning with “THE” in line 1 down through “MARYLAND” in line 2 and substitute “AN ACADEMIC INSTITUTION”; after line 4, insert:

“(2) (I) THE BOARD MAY RECOMMEND THAT A UNIT OF THE STATE ENTER INTO A CONTRACT OR AGREEMENT WITH A PUBLIC OR PRIVATE ENTITY TO OBTAIN ASSISTANCE OR FINANCIAL RESOURCES TO FUND AND OTHERWISE FURTHER THE PURPOSES OF THIS SUBTITLE, INCLUDING ENTERING INTO PUBLIC-PRIVATE PARTNERSHIPS, SOCIAL IMPACT BONDS, AND OPPORTUNITY COMPACTS.

(II) IF THE BOARD MAKES A RECOMMENDATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD SHALL PROVIDE WRITTEN NOTICE TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, OF THE RECOMMENDATION.

(III) A UNIT OF THE STATE MAY NOT ENTER INTO A CONTRACT OR AN AGREEMENT RECOMMENDED BY THE BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL 60 DAYS AFTER THE DATE OF THE NOTICE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(E) (1) THE BOARD SHALL ESTABLISH AN ADVISORY BOARD FOR THE PURPOSE OF INCLUDING STAKEHOLDERS IN THE CRIMINAL JUSTICE SYSTEM IN THE ANALYSIS OF THE IMPLEMENTATION OF JUSTICE REINVESTMENT INITIATIVES.

(2) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL APPOINT MEMBERS OF THE ADVISORY BOARD, SUBJECT TO THE APPROVAL OF THE CHAIR OF THE BOARD.

(3) MEMBERS OF THE ADVISORY BOARD SHALL INCLUDE:

(I) A REPRESENTATIVE OF THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES OF THE DIVISION OF PAROLE AND PROBATION;

(II) A REPRESENTATIVE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE;

(III) A REPRESENTATIVE OF CASA DE MARYLAND;

(IV) A REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES UNION;

(V) THE CHAIR OF THE CRIMINAL LAW AND PRACTICE SECTION OF THE MARYLAND STATE BAR ASSOCIATION OR THE CHAIR'S DESIGNEE;

(VI) A REPRESENTATIVE OF VICTIMS OF DOMESTIC VIOLENCE;

(VII) A REPRESENTATIVE OF VICTIMS OF SEXUAL ASSAULT;

(VIII) A REPRESENTATIVE WITH CLINICAL EXPERIENCE AND EXPERTISE IN BEHAVIORAL HEALTH AND CRIMINAL JUSTICE;

(Over)

(IX) A REPRESENTATIVE OF THE MARYLAND RETAILERS ASSOCIATION;

(X) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION IS TO DEVELOP AND ADVOCATE FOR POLICIES AND PROGRAMS TO INCREASE THE SKILLS, JOB OPPORTUNITIES, AND INCOMES OF LOW-SKILL, LOW-INCOME WORKERS AND JOB SEEKERS;

(XI) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION IS TO ADVOCATE FOR EX-OFFENDERS; AND

(XII) A REPRESENTATIVE OF THE MARYLAND CHAMBER OF COMMERCE.”;

in line 10, after the first “BOARD” insert “THAT IS DISAGGREGATED BY RACE AND ETHNICITY”; in line 15, after “INMATES” insert “, INCLUDING SUSPENDED PERIODS OF A CRIMINAL SENTENCE”; in line 17, strike “AND”; in line 18, after “POPULATION” insert “, INCLUDING THE AMOUNT OF RESTITUTION ORDERED AND THE AMOUNT PAID; AND

(7) DEPARTURES BY THE COURT AND THE COMMISSION FROM THE SENTENCING LIMITS FOR TECHNICAL VIOLATIONS UNDER §§ 6-223 AND 6-224 OF THE CRIMINAL PROCEDURE ARTICLE AND §§ 7-401 AND 7-504 OF THE CORRECTIONAL SERVICES ARTICLE”;

in line 19, strike the second comma and substitute “AND”; and strike beginning with the comma in line 20 down through “COURTS” in line 21.

AMENDMENT NO. 15

**HB1312/622316/1 House Judiciary Committee  
Amendments to HB 1312  
Page 49 of 52**

On page 76, in line 5, strike “**COUNTY**”; in line 11, strike “**COUNTIES TO**”; in line 21, strike “**AND**”; in line 22, after “**(IX)**” insert “**PROVIDE FOR SUBSTANCE USE DISORDER AND COMMUNITY MENTAL HEALTH SERVICE PROGRAMS; AND**

**(X)**”;

in line 25, after “**(3)**” insert “**(I)**”; and after line 27, insert:

**“(II) THE GRANTS SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, FUNDS RECEIVED FROM OTHER SOURCES.”**.

On page 77, in line 3, after “**FUND**” insert “**, INCLUDING THE COSTS INCURRED IN AN AGREEMENT TO COLLECT AND INTERPRET DATA AS AUTHORIZED BY § 9-3207 OF THIS SUBTITLE**”.

On page 79, after line 17, insert:

**“SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”**.

On page 81, strike in their entirety lines 8 through 22, inclusive; in line 23, strike “2.” and substitute “**5.**”; in line 24, strike the comma and substitute “**;**

**(1)**”;

in line 28, after “including” insert “**;**

**(i)**”;

in line 29, strike “, and shall” and substitute “**;** and

(Over)

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 50 of 52**

(ii) a plan for how a sequential intercept model could be used to address the gap between offender treatment needs and available treatment services in the State; and

(2);

and in line 32, strike “3.” and substitute “6.”.

AMENDMENT NO. 16

On page 82, in line 2, strike “1” and substitute “2”; after line 3, insert:

“(2) the Department of Health and Mental Hygiene and the Department of Public Safety and Correctional Services to establish a process to expand the enrollment of incarcerated individuals in Medicaid on release;”;

in lines 4 and 8, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; in line 7, strike “and”; in line 10, after “offenders” insert “; and”

(5) the State unit responsible for the improvement of the collection of restitution as determined under Sections 12 and 13 of this Act”;

in line 11, strike “4.” and substitute “7.”; in line 17, strike “5.” and substitute “8.”; in the same line, strike “2017” and substitute “2018”; after line 22, insert:

“SECTION 9. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene, the Department of Labor, Licensing and Regulation, and the Department of Public Safety and Correctional Services shall:

(1) in consultation with organizations representing businesses dedicated to improving the business climate in Maryland and nonprofit organizations with the mission to develop and advocate policies and programs to increase the skills,

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 51 of 52**

job opportunities, and incomes of low-skill and low-income workers and job seekers, review and make recommendations regarding:

(i) potential barriers to employment, licensing, and entrepreneurship for individuals with a criminal record, including the denial, suspension, or revocation of occupational licenses for criminal convictions; and

(ii) the criminalization of occupational license violations, including the practicing of an occupation without a license;

(2) make recommendations regarding changes to occupational licensing laws that:

(i) promote the State's policy of encouraging employment of workers with a criminal record by removing barriers for applicants seeking to demonstrate fitness for occupational licenses;

(ii) protect the integrity of professional occupations while promoting the State's interest in maintaining public safety and reducing costs and burdens to the criminal justice system; and

(iii) promote consistency in and uniform application of the occupational licensing laws across all State agencies, including the State Department of Agriculture, the Department of the Environment, the Department of Health and Mental Hygiene, the Department of Human Resources, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services; and

(iv) on or before December 31, 2016, report the findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”;

in line 23, strike “6.” and substitute “10.”; and in line 29, strike “7.” and substitute “11.”.

(Over)

**HB1312/622316/1 House Judiciary Committee**  
**Amendments to HB 1312**  
**Page 52 of 52**

On page 83, in lines 3 and 24, strike “8.” and “9.”, respectively, and substitute “12.” and “13.”, respectively; in lines 12 and 26, in each instance, after “Probation” insert “and the Central Collection Unit”; in line 17, after “acts” insert “, while ensuring that services for special populations, including victims of sexual assault and child sexual abuse, are performed by providers with expertise in the area of need”; in line 20, strike “and”; after line 20, insert:

“(5) review the classifications for larceny-theft under the Uniform Crime Reporting Program to determine how to distinguish shoplifting offenses from theft by organized retail crime rings; and”;

in line 21, strike “(5)” and substitute “(6)”; and after line 33, insert:

“SECTION 14. AND BE IT FURTHER ENACTED, That § 3-704, § 3-707, and § 3-708 of the Correctional Services Article, as enacted by Section 2 of this Act, shall be construed prospectively to apply only to inmates that are sentenced on or after October 1, 2017.”

SECTION 15. AND BE IT FURTHER ENACTED, That on or before March 1 annually, the Administrative Office of the Courts shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on the number of substance abuse disorder assessments ordered by courts in criminal cases under § 8-505 of the Health – General Article during the previous calendar year.

SECTION 16. AND BE IT FURTHER ENACTED, That Section 2 and Section 4 of this Act shall take effect October 1, 2017.”.

On page 84, in line 1, strike “10.” and substitute “17.”; and in the same line, after “That” insert “, except as provided in Section 16 of this Act.”.