

SB0481/268671/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 481
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 2, strike “Criminal Law” and substitute “State Commission on Criminal Sentencing Policy – Annual Report”; in the same line, strike “Crime” and substitute “Crimes”; in the same line, strike “– Vulnerable Adult”; strike beginning with “altering” in line 3 down through “violence” in line 5 and substitute “requiring the State Commission on Criminal Sentencing Policy to report certain information annually to the Governor and certain committees of the General Assembly on or before a certain date; requiring the Governor’s Office of Crime Control and Prevention, in consultation with the Commission, to analyze the use of certain pleas in a certain calendar year; requiring the Governor’s Office of Crime Control and Prevention to submit a certain report to the Governor and the General Assembly on or before a certain date; defining certain terms; making this Act an emergency measure; and generally relating to the State Commission on Criminal Sentencing Policy”; strike in their entirety lines 6 through 10, inclusive; in line 11, strike “with” and substitute “without”; and strike in their entirety lines 16 through 20, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article - Criminal Procedure

Section 6-201

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article - Criminal Procedure

Section 6-209.1

Annotated Code of Maryland

(Over)

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(2018 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 24 on page 1 through line 12 on page 4, inclusive.

On page 5, strike beginning with “ABUSE” in line 18 down through “(20)” in line 20; in lines 21, 22, 24, 25, 26, and 27, in each instance, strike the bracket; and in the same lines, strike “(19)”, “(21)”, “(22)”, “(23)”, “(24)”, and “(25)”, respectively.

On page 6, in lines 1 and 3, in each instance, strike the bracket; and in the same lines, strike “(26)” and “(27)”, respectively.

On pages 6 and 7, strike in their entirety the lines beginning with line 5 on page 6 through line 8 on page 7, inclusive, and substitute:

“Article – Criminal Procedure

6–201.

In this part, “Commission” means the State Commission on Criminal Sentencing Policy.

6–209.1.

(A) IN THIS SECTION, “AMERICAN BAR ASSOCIATION PLEA” MEANS A PLEA AGREEMENT THAT:

(1) A COURT HAS APPROVED RELATING TO A PARTICULAR SENTENCE, DISPOSITION, OR OTHER JUDICIAL ACTION; AND

(2) IS BINDING ON THE COURT UNDER MARYLAND RULE 4-243(C).

(B) ON OR BEFORE DECEMBER 1, 2021, AND EACH DECEMBER 1 THEREAFTER, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE HOUSE JUDICIARY COMMITTEE AND THE SENATE JUDICIAL PROCEEDINGS COMMITTEE THE FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR FOR CASES INVOLVING A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, DISAGGREGATED BY JUDICIAL CIRCUIT:

(1) DISAGGREGATED BY TYPE OF OFFENSE:

(I) THE NUMBER OF AMERICAN BAR ASSOCIATION PLEAS;

(II) THE NUMBER OF NON-AMERICAN BAR ASSOCIATION PLEAS;

(III) THE NUMBER OF SUSPENDED SENTENCES; AND

(IV) FOR CONVICTIONS IN WHICH A PORTION OF THE SENTENCE WAS SUSPENDED, THE AVERAGE PERCENTAGE OF THE TOTAL SENTENCE SUSPENDED; AND

(2) FOR SENTENCING EVENTS THAT RESULTED IN A DEPARTURE FROM THE SENTENCING GUIDELINES, THE DEPARTURE REASONS CITED AND THE PERCENTAGE OF EVENTS IN WHICH EACH REASON WAS CITED.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, “American Bar Association plea” means a plea agreement

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that:

(1) a court has approved relating to a particular sentence, disposition, or other judicial action; and

(2) is binding on the court under Maryland Rule 4-243(c).

(b) (1) The Governor's Office of Crime Control and Prevention, in consultation with and with assistance from the Maryland Commission on Criminal Sentencing Policy, shall analyze the use of American Bar Association pleas in calendar year 2019 based on information submitted to the Maryland Commission on Criminal Sentencing Policy.

(2) (i) On or before December 31, 2020, the Governor's Office of Crime Control and Prevention shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on the results of the analysis required under paragraph (1) of this subsection.

(ii) The report required under this paragraph shall include data showing:

1. the use of American Bar Association pleas by judicial circuit; and

2. the percentage of sentences under the American Bar Association pleas that would have been guidelines-compliant if the sentence had been imposed under another type of disposition.”.

On page 7, in line 9, strike “2.” and substitute “3.”; and strike beginning with “shall” in line 9 down through “2020” in line 10 and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected”

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to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.