

Mars/LC

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 681

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “separate”; in line 5, after “circumstances;” insert “requiring the clerk to make and maintain a certain separate record when an expungement order is presented in certain cases;”; and in the same line, after “record;” insert “limiting the availability of the record;”.

AMENDMENT NO. 2

On page 2, in line 6, strike “SEPARATE”; in line 7, after “REFUSAL” insert “, INCLUDING THE NAME OF THE SPOUSE REFUSING TO TESTIFY”; in line 8, strike “THE RECORD SHALL INCLUDE” and substitute “WHEN AN EXPUNGEMENT ORDER IS PRESENTED TO THE CLERK OF THE COURT IN A CASE INVOLVING A CHARGE OF ASSAULT IN ANY DEGREE, THE CLERK SHALL CHECK THE RECORD TO DETERMINE WHETHER THE DEFENDANT’S SPOUSE REFUSED TO TESTIFY ON THE BASIS OF THE PROVISIONS OF THIS SECTION.”

(3) IF THE RECORD SHOWS SUCH A REFUSAL, THE CLERK SHALL MAKE AND MAINTAIN A SEPARATE RECORD OF THE REFUSAL, INCLUDING”;

in line 11, strike “(3)” and substitute “(4)”; in the same line, after “THE” insert “SEPARATE”; in the same line, after “RECORD” insert “SPECIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION:”

(I)”;

and in line 12, after “CODE” insert “; AND”

(II) SHALL BE AVAILABLE ONLY TO THE COURT, A STATE’S ATTORNEY’S OFFICE, AND AN ATTORNEY FOR THE DEFENDANT”.