

BY: House Judiciary Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL NO. 65

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Prescription"; in line 3, strike "into" and substitute "as"; in the same line, strike "as proof"; in line 4, strike "a prescription drug" and substitute "certain drugs"; in lines 5 and 6, strike "administer a prescription drug" and substitute "prescribe certain drugs; requiring the State to provide written notice to the defendant within a certain period of time that the State intends to rely on certain evidence and introduce certain evidence at a certain proceeding; requiring the State to require the presence of a certain witness on written demand of the defendant within a certain period of time; defining a certain term; and generally relating to the introduction of evidence of forgeries of prescriptions".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 7 through 11, inclusive; and in line 14, strike "300(g-2)" and substitute "305".

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 11 on page 2, inclusive.

On page 2, in line 12, strike "(G-2)" and substitute:

"305.

(A) IN THIS SECTION, "PRESCRIPTION DRUG" HAS THE MEANING STATED IN § 300 OF THIS SUBHEADING.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN A CRIMINAL CASE INVOLVING FORGERY OF A PRESCRIPTION UNDER THIS SUBHEADING,";

(Over)

in line 18, strike “PROOF” and substitute “EVIDENCE”; and in line 20, strike “ADMINISTER” and substitute “PRESCRIBE”; and in lines 20, 24, and 25, in each instance, after “DRUG” insert “OR CONTROLLED DANGEROUS SUBSTANCE”.

AMENDMENT NO. 4

On page 2, after line 25, insert:

“(C) (1) IN A PROCEEDING IN WHICH THE STATE INTENDS TO INTRODUCE INTO EVIDENCE AN AFFIDAVIT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, THE STATE SHALL PROVIDE AT LEAST 10 DAYS’ WRITTEN NOTICE TO THE DEFENDANT THAT THE STATE INTENDS TO:

(I) RELY ON THE AFFIDAVIT; AND

(II) INTRODUCE THE AFFIDAVIT INTO EVIDENCE AT THE PROCEEDING.

(2) ON WRITTEN DEMAND OF A DEFENDANT FILED AT LEAST 5 DAYS PRIOR TO THE PROCEEDING DESCRIBED IN SUBSECTION (B) OF THIS SECTION, THE STATE SHALL REQUIRE THE PRESENCE OF THE AFFIANT AS A PROSECUTION WITNESS.”;

and strike in their entirety lines 26 through 30, inclusive.