

BY: Senator Trotter

AMENDMENTS TO SENATE BILL NO. 177

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, before “providing” insert “prohibiting a State’s Attorney from entering into a plea bargain agreement if the defendant is charged with certain crimes; defining a certain term; providing for the construction of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 2 after line 30, and on page 4 after line 2, in each instance, insert:

“(C) (1) IN THIS SUBSECTION, “PLEA BARGAIN AGREEMENT” MEANS AN AGREEMENT BETWEEN THE DEFENDANT OR THE DEFENDANT’S ATTORNEY AND THE STATE’S ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE OR CHARGES IN EXCHANGE FOR THE STATE’S ATTORNEY’S:

(I) RECOMMENDATIONS TO THE COURT OF A SENTENCE WHICH IS LESS THAN THE MAXIMUM PENALTY OR PENALTIES FOR THE CHARGE OR CHARGES;

(II) PROMISE TO MAKE NO RECOMMENDATIONS TO THE COURT REGARDING THE SENTENCE;

(III) PROMISE TO ENTER A NOLLE PROSEQUI TO A CHARGE OR CHARGES CARRYING GREATER STATUTORY PENALTIES; OR

(IV) PROMISE TO PLACE A CHARGE OR CHARGES CARRYING GREATER STATUTORY PENALTIES ON THE STET DOCKET.

(Over)

(2) THE STATE'S ATTORNEY MAY NOT ENTER INTO A PLEA BARGAIN AGREEMENT IF THE DEFENDANT IS CHARGED WITH AN OFFENSE UNDER THIS SECTION.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT A DEFENDANT FROM PLEADING GUILTY TO A CRIMINAL CHARGE, PROVIDED THAT THERE IS NO PLEA BARGAIN AGREEMENT.”.