

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 343

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 3 down through the first “circumstances” in line 4 and substitute “altering the circumstances under which a victim or a representative of a victim has the right to be present at certain proceedings”; strike beginning with “prohibiting” in line 6 down through “circumstances” in line 7 and substitute “applying provisions of law concerning presence of a victim or representative to certain juvenile delinquency proceedings”; and in line 7, strike “certain terms” and substitute “a certain term”.

AMENDMENT NO. 2

On page 2, in line 7, after “tried” insert “OR ADJUDICATED”; strike in their entirety lines 16 and 17 and substitute:

“(B) THIS SECTION APPLIES TO A:

(1) CRIMINAL TRIAL; AND

(2) JUVENILE DELINQUENCY ADJUDICATORY HEARING WHICH IS CONDUCTED IN OPEN COURT OR WHICH A VICTIM IS ENTITLED TO ATTEND UNDER § 3-812 OF THE COURTS ARTICLE.”;

in line 18, strike “(b)” and substitute “(C)”; in the same line, strike “(C) AND (D)” and substitute “(D) AND (E)”; in line 19, strike “be presumed to”; in line 20, strike the semicolon and substitute “OR JUVENILE DELINQUENCY ADJUDICATORY HEARING OF THE DEFENDANT; AND

(2) AFTER THE VICTIM HAS INITIALLY TESTIFIED AT THE TRIAL OR JUVENILE DELINQUENCY ADJUDICATORY HEARING, THE VICTIM SHALL HAVE THE RIGHT TO BE PRESENT AT THE TRIAL OR JUVENILE DELINQUENCY ADJUDICATORY

(Over)

HEARING OF THE DEFENDANT.”;

in line 21, strike “(2)” and substitute “(D)”; in the same line, strike the second set of brackets; in the same line, after “victim” insert “AFTER THE VICTIM HAS INITIALLY TESTIFIED”; in line 22, after “trial” insert “OR JUVENILE DELINQUENCY ADJUDICATORY HEARING”; in line 23, strike “THE DEFENDANT WOULD BE DENIED A FAIR TRIAL” and substitute “:

(1) THERE IS REASON TO BELIEVE THAT THE VICTIM WILL BE RECALLED OR THE REPRESENTATIVE WILL BE CALLED TO TESTIFY AT THE TRIAL OR ADJUDICATORY HEARING; AND

(2) THE PRESENCE OF THE VICTIM OR REPRESENTATIVE WOULD INFLUENCE THE VICTIM OR REPRESENTATIVE’S FUTURE TESTIMONY AT THE TRIAL OR ADJUDICATORY HEARING IN A MANNER THAT WOULD MATERIALLY AFFECT THE DEFENDANT’S RIGHT TO A FAIR TRIAL OR ADJUDICATORY HEARING”;

strike in their entirety lines 24 through 27, inclusive; in line 28, strike “(d)” and substitute “(E)”; and in the same line, after “trial” insert “OR JUVENILE DELINQUENCY ADJUDICATORY HEARING”.