

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 633

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Pretrial Release -”; strike beginning with “private” in line 8 down through “agencies” in line 9 and substitute “businesses that provide monitoring services to individuals who are under a court order that requires private home detention monitoring as a condition of their release”; in lines 10 and 11, strike “providing for” and substitute “authorizing”; in line 22, after “of” insert “private”; and in line 30, strike “20-601” and substitute “20-701”.

AMENDMENT NO. 2

On page 2, in line 20, strike “INDIVIDUAL” and substitute “EMPLOYEE OF A LICENSED PRIVATE HOME DETENTION MONITORING AGENCY”; strike beginning with “A” in line 21 down through “RELEASE” in line 23 and substitute “INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY”; strike beginning with “MONITORS” in line 25 down through “RELEASE” in line 27 and substitute “PROVIDES MONITORING SERVICES FOR A FEE TO INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY”; and strike beginning with “MONITORS” in line 29 down through “RELEASE” in line 31 and substitute “PROVIDES MONITORING SERVICES FOR A FEE TO INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY”.

On pages 2 and 3, strike beginning with “MONITORS” in line 34 on page 2 through “RELEASE” in line 2 on page 3 and substitute “PROVIDES MONITORING SERVICES FOR A FEE TO INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY”.

AMENDMENT NO. 3

(Over)

On page 3, strike in their entirety lines 3 through 6, inclusive; and in line 7, strike “(G)” and substitute “(F)”.

AMENDMENT NO. 4

On page 3, in line 15, strike “A DEFENDANT”; in the same line, after “DAY” insert “INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY”; in the same line, after the semicolon insert “AND”; strike in their entirety lines 16 and 17; in line 18, strike “(3)” and substitute “(2)”; in lines 18 and 19, strike “AN APPLICANT FOR”; in line 19, strike “LICENSE” and substitute “LICENSEE”; and strike beginning with “; AND” in line 20 down through “MONITORED” in line 23.

On pages 3 and 4, strike in their entirety the lines beginning with line 35 on page 3 through line 2 on page 4, inclusive, and substitute:

“(I) THE ADMINISTRATIVE JUDGE FOR THE DISTRICT COURT IN EACH DISTRICT;

(II) THE ADMINISTRATIVE JUDGE FOR THE CIRCUIT COURT IN EACH COUNTY; AND

(III) THE ADMINISTRATIVE OFFICE OF THE COURTS.”.

On page 4, strike beginning with “MONITORS” in line 10 down through “RELEASE” in line 12 and substitute “PROVIDES MONITORING SERVICES FOR A FEE TO INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY”; and in line 30, strike “§ 20-601” and substitute “§ 20-701”.

AMENDMENT NO. 5

On page 6, in line 4, after the second “A” insert “CRIMINAL”; in line 5, strike “OR”; in line 6, after “DISPOSITION” insert a comma; in the same line, strike “CHARGE” and substitute “CHARGES”; in line 9, after “A” insert “CRIMINAL”; in line 10, strike the first “OR”; and in the same line, after “DISPOSITION” insert a comma.

On page 7, in line 32, after “(2)” insert “(I)”; strike beginning with “AND” in line 33 down through the second “OFFICE” in line 34; and after line 34, insert:

“(II) FOR EACH ADDITIONAL OFFICE THE PRIVATE DETENTION MONITORING AGENCY PROPOSES TO OPERATE, THE SECRETARY SHALL ISSUE A BRANCH OFFICE CERTIFICATE.”.

On page 8, in line 1, strike “PRINCIPAL OFFICE” and substitute “PRIVATE HOME DETENTION MONITORING AGENCY”; strike beginning with “OF” in line 2 down through “AGENCY” in line 3 and substitute “, IF ANY”; in line 6, strike “EACH” and substitute “A”; strike beginning with “MONITORS” in line 17 down through “RELEASE;” in line 19 and substitute “PROVIDES MONITORING SERVICES FOR A FEE TO INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY; AND”; strike in their entirety lines 20 and 21; and in line 22, strike “(3)” and substitute “(2)”.

AMENDMENT NO. 6

On page 9, strike beginning with “PAYABLE” in line 20 down through “GOVERNMENT” in line 22 and substitute “EMPLOYERS ARE REQUIRED TO PAY ON BEHALF OF THEIR EMPLOYEES TO THE STATE OR FEDERAL GOVERNMENT”; strike in their entirety lines 23 through 27, inclusive, and substitute:

“(3) A CERTIFICATE OF COMPLIANCE ISSUED BY THE STATE WORKERS’ COMPENSATION COMMISSION, OR THE NUMBER OF A WORKERS’ COMPENSATION INSURANCE POLICY OR BINDER AS PROVIDED BY § 9-105 OF THE LABOR AND EMPLOYMENT ARTICLE;”;

in lines 32 and 33, strike “§ 20-502” and substitute “§ 20-601”; and in lines 34 and 35, strike “§ 20-503” and substitute “§ 20-602”.

On page 10, strike in their entirety lines 1 through 3, inclusive; in lines 4 and 7, strike “(II)” and “(III)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 4, strike “EACH” and

substitute "THE"; in the same line, after "IN" insert "EACH OF"; in lines 6 and 9, in each instance, strike "DEFENDANTS" and substitute "INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY"; strike beginning with "OF" in line 7 down through "COUNTIES" in line 8 and substitute "IN EACH OF THE DISTRICTS".

AMENDMENT NO. 7

On page 10, strike beginning with "EACH" in line 18 down through "DEFENDANTS" in line 19 and substitute "THE STATE"; strike beginning with "EACH" in line 20 down through "DEFENDANTS" in line 21 and substitute "THE STATE"; in line 22, strike "COUNTY" and substitute "STATE"; in line 23, strike "DEFENDANTS" and substitute "INDIVIDUALS"; and in the same line, strike "IN THE COUNTY".

AMENDMENT NO. 8

On page 10, in line 26, strike "5" and substitute "21"; and in line 29, strike "AN EXISTING OFFICE" and substitute "THE PRIVATE HOME DETENTION MONITORING AGENCY OR BRANCH OFFICE".

AMENDMENT NO. 9

On page 11, in line 7, strike "PRINCIPAL"; in line 30, after the first "A" insert "CRIMINAL"; in line 31, strike the first "OR"; in the same line, after "DISPOSITION" insert a comma; in the same line, strike "HAS"; and in line 35, after the first "A" insert "CRIMINAL".

On page 12, in line 1, strike the first "OR"; in the same line, after the second "DISPOSITION" insert a comma; in the same line, strike "HAS"; in line 7, strike "PRINCIPAL OFFICE" and substitute "PRIVATE HOME DETENTION MONITORING AGENCY"; and in line 8 and lines 9 and 10, strike "§ 20-502" and "§ 20-503", respectively, and substitute "§ 20-601" and "§ 20-602", respectively.

On page 13, in line 28, after "IN" insert "EACH OF"; in lines 29 and 32, in each instance, after "DETENTION" insert "MONITORING"; in lines 30 and 33, in each instance, strike "DEFENDANTS" and substitute "INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY"; and strike beginning with "OF" in line 31 down through "COUNTIES" in line 32 and substitute "IN

EACH OF THE DISTRICTS".

AMENDMENT NO. 10

On page 14, in line 1, strike "AGENT" and substitute "AGENCY"; strike beginning with the third "A" in line 4 down through "RELEASE" in line 6 and substitute "INDIVIDUALS WHO ARE UNDER A COURT ORDER THAT REQUIRES MONITORING BY A PRIVATE HOME DETENTION MONITORING AGENCY"; in line 8, strike "MONITORING"; in the same line, after "EQUIPMENT" insert "OR OTHER MONITORING METHODS"; in the same line, strike "MEETS" and substitute "MEET"; in line 9, strike "EXCEEDS" and substitute "EXCEED"; strike in their entirety lines 10 through 23, inclusive; in line 24, strike "(D)" and substitute "(B)"; in the same line, after "DEFENDANT" insert "SUBJECT TO PRIVATE HOME DETENTION MONITORING UNDER THE PROVISIONS OF ARTICLE 27, § 616 ½(M) OF THE CODE"; in line 26, strike "IMMEDIATELY" and substitute ", ON THE NEXT BUSINESS DAY,"; in line 30, after "RELEASE" insert "UNDER THE PROVISIONS OF ARTICLE 27, § 616 ½(M) OF THE CODE"; in line 31, strike "OF THE" and substitute "OTHER"; and after line 34, insert:

"(C) UPON DETERMINING THAT AN INDIVIDUAL WHO IS SUBJECT TO PRIVATE HOME DETENTION MONITORING AS A CONDITION OF PROBATION HAS BEEN MISSING FOR 24 HOURS, THE PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING THE INDIVIDUAL SHALL, ON THE NEXT BUSINESS DAY, NOTIFY THE DIVISION OF PAROLE AND PROBATION."

AMENDMENT NO. 11

On page 15, in line 1, strike "BOND REQUIREMENTS" and substitute "AGENCY RESPONSIBILITY"; after line 5, insert:

"SUBTITLE 6. BOND AND INSURANCE REQUIREMENTS.";

in lines 6 and 25, strike "20-502." and "20-503.", respectively, and substitute "20-601." and "20-602.", respectively.

On page 16, in line 3, strike "6." and substitute "7."; and in line 4, strike "20-601." and substitute "20-701.".

(Over)

AMENDMENT NO. 12

On pages 15 and 16, strike in their entirety the lines beginning with line 26 on page 15 through line 2 on page 16, inclusive, and substitute:

“(A) THE SECRETARY MAY ADOPT REGULATIONS REQUIRING A PRIVATE HOME DETENTION MONITORING AGENCY TO MAINTAIN A SPECIFIC MINIMUM AMOUNT OF GENERAL LIABILITY INSURANCE.

(B) IF THE SECRETARY ADOPTS REGULATIONS UNDER SUBSECTION (A) OF THIS SECTION, A PRIVATE HOME DETENTION MONITORING AGENCY SHALL:

(1) SUBMIT PROOF OF THE INSURANCE TO THE SECRETARY; AND

(2) NOTIFY THE SECRETARY IF THE INSURANCE IS CANCELED, FORFEITED, OR OTHERWISE TERMINATED.

(C) IF THE SECRETARY ADOPTS REGULATIONS UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY MAY NOT ISSUE A LICENSE TO AN APPLICANT UNLESS THE APPLICANT SUBMITS PROOF OF THE INSURANCE REQUIRED BY REGULATION.”.