

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 505
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “public;” insert “requiring the clerk of the court to include a certain worksheet with a certain commitment order; altering the circumstances under which the Department of Public Safety and Correctional Services is required to notify a victim of certain proceedings; expanding the category of defendants for which a victim may request certain notifications, meetings, conditions, and open parole hearings;”; in line 7, after “definition;” insert “providing for a delayed effective date;”; and after line 7, insert:

“BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 643C and 786(b) and (d)

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)

BY repealing and reenacting, without amendments,

Article 27 - Crimes and Punishments

Section 786(a)

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“Article 27 - Crimes and Punishments

643C.

(Over)

(a) Nothing in this article may be construed to prohibit the use of judicial guidelines in setting sentences.

(b) However, the guidelines may not:

(1) Prescribe a sentence exceeding the maximum sentence provided by law; or

(2) Be used in violation of any mandatory minimum sentence prescribed by law.

(C) IF A COMMITMENT ORDER IS ISSUED BY A COURT, THE CLERK OF THE COURT SHALL INCLUDE A COPY OF THE MARYLAND SENTENCING GUIDELINES WORKSHEET WITH THE COMMITMENT ORDER.

786.

(a) This section applies to a victim who has made a written request to the Department of Public Safety and Correctional Services for notification or filed a notification request form under § 770 of this article.

(b) (1) If a parole release hearing is scheduled for a person who has been convicted and sentenced [to the Division of Correction] for a crime, the victim has the rights provided under Article 41, § 4-504(d) of the Code.

(2) At a parole release hearing, a victim has the rights provided under Article 41, § 4-507(c) and (d) of the Code.

(d) (1) If a person who is sentenced [to the Division of Correction] is being considered for a commutation, pardon, or remission of sentence, the Department of Public Safety and Correctional Services shall notify the victim as provided under Article 41, § 4-511A(b)(1), (4), (5), and (6) of the Code.

(2) In addition to the right of notification referred to in paragraph (1) of this subsection, if the person described in paragraph (1) of this subsection was convicted of a violent crime, a victim has the rights regarding submission and consideration of a victim impact statement provided under Article 41, § 4-511A(b)(2) and (3) of the Code.”.

AMENDMENT NO. 3

On page 1, in line 17, strike “a” and substitute “;

(I) A”;

in line 18, strike “, CHILD ABUSE,”; in the same line, strike “or, if” and substitute “;

(II) A VICTIM OF CHILD ABUSE UNDER ARTICLE 27, § 35C OF THE
CODE;

(III) A VICTIM OF A VIOLENT CRIME; OR

(IV) IF”;

in line 19, strike the first “OR” and substitute a comma; and in the same line, after “DISABLED” insert “, OR A MINOR”.

AMENDMENT NO. 4

On page 2, strike beginning with “In” in line 1 down through “if” in line 2, and substitute “IF”; and in lines 8 and 34, in each instance, strike “violent”.

On page 3, in line 5, strike “violent”; and in line 13, after “crime]” insert “AS DEFINED IN § 4-504(D) OF THIS SUBTITLE”.

AMENDMENT NO. 5

On page 4, in line 10, strike “October 1, 1998” and substitute “January 1, 1999”.