

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 117

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Stone,” insert “Bromwell”; in the same line, strike “and Jimeno” and substitute “Jimeno, Middlebrooks, and Forehand”; in lines 11, 13, 15 and 16, 17, 19, 21, 23, and 37, in each instance, strike “Title 10”; and in line 11, after “predators;” insert “applying certain procedures for determining whether persons are sexually violent predators to a certain definition;”.

AMENDMENT NO. 2

On page 2, after line 15, insert:

“BY repealing

Article 27 - Crimes and Punishments

Section 792(b)

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)”

BY renumbering

Article 27 - Crimes and Punishments

Section 792(c) through (n), respectively

to be Section 792(b) through (m), respectively

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)”.

AMENDMENT NO. 3

On page 2, in lines 33 and 34, in each instance, strike “TITLE 10”.

On page 3, in line 6, strike the brackets; in line 7, strike “; OR” and substitute “UNDER”

(Over)

§ 10-636 OF THE HEALTH - GENERAL ARTICLE.”; strike in their entirety lines 8 through 10, inclusive; and after line 19, insert:

“(b) (1) Subject to paragraphs (3) and (4) of this subsection, if a person is convicted of a second or subsequent sexually violent offense, the State’s Attorney may request the court to determine before sentencing whether the person is a sexually violent predator.

(2) If the State’s Attorney makes a request under paragraph (1) of this subsection, the court shall determine before or at sentencing whether the person is a sexually violent predator.

(3) In making a determination under paragraph (1) of this subsection, the court shall consider:

(i) Any evidence that the court considers appropriate to the determination of whether the individual is a sexually violent predator, including the presentencing investigation and sexually violent offender’s inmate record;

(ii) Any evidence introduced by the person convicted; and

(iii) At the request of the State’s Attorney, any evidence presented by a victim of the sexually violent offense.

(4) The State’s Attorney may not request a court to determine if a person is a sexually violent predator under this subsection unless the State’s Attorney serves written notice of intent to make the request on the defendant or the defendant’s lawyer at least 30 days before trial.]

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 792(c) through (n), respectively, of Article 27 - Crimes and Punishments of the Annotated Code of Maryland be renumbered to be Section(s) 792(b) through (m), respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

On page 4, in lines 10 and 23, in each instance, strike “TITLE 10”.

On page 5, in lines 5, 13 and 32, in each instance, strike “TITLE 10”.

On page 6, in lines 24 and 27, in each instance, strike “TITLE 10”.

On page 8, in lines 6 and 21, strike “TITLE 10”.