BY: House Judiciary Committee

<u>AMENDMENTS TO HOUSE BILL NO. 753</u>
(First Reading File Bill)

<u>AMENDMENT NO. 1</u>
        On page 1, in line 5, after "circumstances;" insert "<u>requiring a judge to order a defendant to be fingerprinted under certain circumstances;</u>"; in line 9, after "594B-2" insert "<u>and 747A(d)</u>"; and after line 11, insert:

"<u>BY repealing and reenacting, without amendments,</u>
        <u>Article 27 - Crimes and Punishments</u>
        <u>Section 747A(b)</u>
        <u>Annotated Code of Maryland</u>
        <u>(1996 Replacement Volume and 1998 Supplement)</u>".

<u>AMENDMENT NO. 2</u>
        On page 2, after line 33, insert:

"<u>747A.</u>

        <u>(b)</u>   <u>(1)</u>   <u>When a defendant is found guilty, or pleads guilty or nolo contendere to an offense that is criminal history record information, as defined in § 743(e) of this subtitle, and is sentenced to commitment in a local correctional facility, or receives a suspended sentence, probation other than probation prior to judgment under § 641 of this article, or a fine, and the defendant has not previously been fingerprinted as a result of arrest for the sentenced offense, the judge imposing the sentence shall order that the defendant be fingerprinted by the appropriate available law enforcement agency.</u>

        <u>(2)</u>   <u>If the fingerprinting cannot be done immediately, the judge shall order that the defendant report to the designated law enforcement agency for fingerprinting within 3 days after sentencing.</u>

(Over)

(3) If a defendant fails to report as ordered under paragraph (2) of this subsection, the defendant shall be in contempt of court.

(d) (1) [When] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHEN the offense charged is one that is defined as a "petty offense" by law or rule of court, the judge shall exercise discretion as to whether the defendant shall be fingerprinted under subsection (b) of this section.

(2) IF A DEFENDANT IS CHARGED WITH AN OFFENSE LISTED UNDER § 594B-2(B) OR (F) OF THIS ARTICLE, A JUDGE SHALL ORDER THE DEFENDANT TO BE FINGERPRINTED UNDER SUBSECTION (B) OF THIS SECTION.".