

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 388

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “circuit”.

On pages 1 and 2, strike beginning with “establishing” in line 34 on page 1 through “Commission” in line 1 on page 2, and substitute “requiring the Commission to adopt certain sentencing guidelines as regulations subject to the Regulatory Review and Evaluation Act under certain circumstances”.

On page 2, strike beginning with “requiring” in line 7 down through “Act;” in line 9; and strike in their entirety lines 34 through 38, inclusive.

AMENDMENT NO. 2

On page 3, after line 29, insert:

“(2) IT IS VOLUNTARY FOR THE COURT TO SENTENCE WITHIN THE GUIDELINES.”;

and in line 30, strike “(2)” and substitute “(3)”.

On page 5, in line 32, after “DISPARITY” insert “, INCLUDING ANY RACIAL DISPARITY.”.

AMENDMENT NO. 3

On page 8, in line 14, after “HOLD” insert “AT LEAST”; strike in their entirety lines 19 through 29, inclusive; in line 30, strike “(K)” and substitute “(J)”; and in line 31, strike “FULLY”.

On page 9, in line 2, after the comma, insert “AND AFTER CONSIDERATION OF THE”

(Over)

RECOMMENDATIONS OF THE MARYLAND COMMISSION ON CRIMINAL SENTENCING POLICY,”; in lines 3 and 4, strike “: (1)”; and strike beginning with “; AND” in line 8 down through “GUIDELINES” in line 10.

AMENDMENT NO. 4

On page 10, in line 9, strike “RECOMMEND” and substitute “ADOPT”; in line 22, strike “BEFORE THE EFFECTIVE DATE OF THE GUIDELINES” and substitute “PERIODICALLY AS MAY BE REQUIRED”; and in line 36, after “RECOMMENDATIONS” insert “FOR LEGISLATION OR CHANGES TO THE GUIDELINES”.

On page 11, in line 1, after “RECOMMENDATIONS” insert “FOR CHANGES IN LEGISLATION”.

AMENDMENT NO. 5

On page 10, strike in their entirety, lines 11 through 18, inclusive, and substitute:

“(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL ADOPT SENTENCING GUIDELINES AND ANY CHANGES TO THOSE GUIDELINES AS REGULATIONS SUBJECT TO THE REQUIREMENTS OF TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

(2) ANY REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE VOLUNTARY GUIDELINES THAT MAY NOT BE CONSTRUED TO REQUIRE A COURT TO ADOPT OR IMPOSE ANY GUIDELINE CONTAINED IN THE REGULATIONS.

(3) ANY CHANGE TO THE GUIDELINES SHALL BE EFFECTIVE ON THE DATE THAT THE REGULATIONS TAKE EFFECT AS PROVIDED UNDER TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.”.

On pages 11 and 12, strike in their entirety the lines beginning with line 24 on page 11 through line 8 on page 12, inclusive.