

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 587

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "events;" insert "providing for the admissibility of certain written victims' statements at certain proceedings under certain circumstances; providing for the testimony of a victim at certain hearings under certain circumstances; allowing an administrative law judge to exclude victims from certain parts of certain proceedings under certain circumstances;"; and in line 20, after the semicolon insert "making stylistic changes; defining a certain term;".

AMENDMENT NO. 2

On page 2, strike in its entirety line 9 and substitute:

"(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DEFENDANT" MEANS:

(I) A COMMITTED INDIVIDUAL;

(II) AN INDIVIDUAL FOUND INCOMPETENT TO STAND TRIAL; OR

(III) AN INDIVIDUAL CHARGED WITH A CRIME AND THE ISSUE OF WHETHER THE INDIVIDUAL IS INCOMPETENT TO STAND TRIAL HAS BEEN RAISED OR WHERE A PLEA OF NOT CRIMINALLY RESPONSIBLE HAS BEEN ENTERED.

(3) (I) "VICTIM" MEANS A VICTIM OF A CRIME OF VIOLENCE, AS";

and in line 12, strike "(2)" and substitute "(II)".

(Over)

### AMENDMENT NO. 3

On page 3, in line 1, strike “subtitle” and substitute “ARTICLE RELATING TO A DEFENDANT”; in lines 2, 9, 12, 16, 18, 32, and 33, in each instance, strike “committed individual” and substitute “DEFENDANT”; in line 3, strike “under [§ 12-118 of] this subtitle” and substitute “OR FILED A PETITION FOR RELEASE”; in line 7, strike “committed individual’s” and substitute “DEFENDANT’S”; in the same line, strike “under [§ 12-119 of] this subtitle”; in lines 8 and 9, strike “committed individual” and substitute “DEFENDANT”; strike beginning with “under” in line 12 down through “subtitle” in line 13; in lines 20 and 21, strike “NOT COMPETENT” and substitute “INCOMPETENT TO STAND TRIAL”; in line 23, strike “SUBTITLE” and substitute “ARTICLE RELATING TO A DEFENDANT”; and in line 26, strike “COMMITTED INDIVIDUAL” and substitute “DEFENDANT”.

### AMENDMENT NO. 4

On page 3, in line 24, strike “THAT THE VICTIM CONSIDERS RELEVANT” and substitute “REGARDING THE NATURE AND CONSEQUENCES OF THE CRIME AND ANY CONTACT AFTER THE CRIME BETWEEN THE DEFENDANT AND THE VICTIM OR THE VICTIM’S FAMILY”; in line 29, after “(f)” insert “(1)”; and in lines 31 and 32, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively.

On page 4, in line 1, strike “(3)” and substitute “(III)”; strike beginning with “committed” in line 2 down through “representative” in line 3 and substitute “DEFENDANT OR DEFENDANT’S REPRESENTATIVE”.

(2) (I) IF A VICTIM HAS SUBMITTED A WRITTEN FACTUAL STATEMENT UNDER SUBSECTION (E)(2)(I) OF THIS SECTION TO THE DEPARTMENT, AT LEAST 30 DAYS BEFORE A HEARING OR REVIEW UNDER THIS ARTICLE THE DEPARTMENT SHALL NOTIFY THE DEFENDANT OR DEFENDANT’S REPRESENTATIVE IN WRITING OF THE INTENDED USE OF THE VICTIM’S WRITTEN FACTUAL STATEMENT AND SEND TO THE DEFENDANT OR THE DEFENDANT’S REPRESENTATIVE A COPY OF THE WRITTEN FACTUAL STATEMENT TO BE ADMITTED.

(II) IF THE DEFENDANT OBJECTS TO THE ADMISSION OF THE WRITTEN FACTUAL STATEMENT OF THE VICTIM, THE DEFENDANT SHALL NOTIFY THE DEPARTMENT, STATE’S ATTORNEY, AND COURT OR ADMINISTRATIVE LAW JUDGE IN WRITING NO LATER THAN 20 DAYS BEFORE THE HEARING OR REVIEW.

(III) IF THE TIMELY AND PROPER NOTICE REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS PROVIDED BY THE DEFENDANT , THE WRITTEN FACTUAL STATEMENT IS INADMISSIBLE WITHOUT THE TESTIMONY OF THE VICTIM.

(IV) FAILURE OF THE DEFENDANT TO GIVE THE TIMELY AND PROPER NOTICE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH CONSTITUTES A WAIVER OF THE DEFENDANT'S RIGHT TO THE PRESENCE AND TESTIMONY OF THE VICTIM AND THE WRITTEN FACTUAL STATEMENT OF THE VICTIM SHALL BE ADMITTED.

(V) IF A DEFENDANT PROVIDES NOTICE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT SHALL NOTIFY THE VICTIM THAT:

1. THE VICTIM'S WRITTEN FACTUAL STATEMENT IS INADMISSIBLE AT THE HEARING WITHOUT THE TESTIMONY OF THE VICTIM; AND

2. THE VICTIM MAY ATTEND THE HEARING AND TESTIFY”;

in line 4, strike “This” and substitute “EXCEPT AS PROVIDED BY THIS SECTION, THIS”; in line 5, strike “committed individual” and substitute “DEFENDANT”; strike beginning with “The” in line 6 down through “subtitle” in line 7 and substitute “THE DEPARTMENT”; in line 8, after “notification” insert “REGARDING A DEFENDANT”; in line 9, strike “individual” and substitute “DEFENDANT”; and in line 10, strike “INDIVIDUAL” and substitute “DEFENDANT”.

AMENDMENT NO. 5

On page 4, in line 15, strike “COURT”; in the same line, strike “SUBTITLE” and substitute “ARTICLE RELATING TO A DEFENDANT”; in line 18, after “(K)” insert “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,”; in line 19, strike “SUBTITLE” and substitute “ARTICLE RELATING TO A DEFENDANT”; and after line 20, insert:

“(2) AT THE REQUEST OF A COMMITTED INDIVIDUAL, AN ADMINISTRATIVE LAW JUDGE IN A RELEASE HEARING OR A VIOLATION HEARING UNDER THIS SUBTITLE FOR AN INDIVIDUAL FOUND NOT CRIMINALLY RESPONSIBLE

MAY EXCLUDE A VICTIM OR VICTIM'S REPRESENTATIVE FROM THE EXPERT TESTIMONY REGARDING THE COMMITTED INDIVIDUAL'S MEDICAL, PSYCHOLOGICAL, OR PSYCHIATRIC INFORMATION IF THE ADMINISTRATIVE LAW JUDGE FINDS THE MEDICAL, PSYCHOLOGICAL, OR PSYCHIATRIC INFORMATION IS:

(I) HIGHLY SENSITIVE TO THE COMMITTED INDIVIDUAL; AND

(II) NOT RELEVANT TO WHETHER THE INDIVIDUAL SHOULD BE RELEASED OR HAS VIOLATED THE CONDITIONS OF RELEASE."