

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 91

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Criminal” insert “Procedure -”; in lines 2 and 3, strike “a Suspended Sentence or”; in line 6, after the semicolon insert “clarifying that a term of imprisonment or custodial confinement does not limit the court’s authority to order other terms of a suspended sentence or probation under certain circumstances; providing that any time served in imprisonment or custodial confinement shall be credited against certain sentences under certain circumstances;”; in line 9, strike “a portion of”; and in the same line, after “measure;” insert “providing for a delayed effective date for certain provisions of this Act;”.

AMENDMENT NO. 2

On page 2 in lines 5 and 6, on page 3 in lines 11 and 12, on page 5 in lines 7 and 8, on page 6 in lines 16 and 17, on page 7 in lines 26 and 27, and on page 9 in lines 29 and 30, in each instance, strike “THE CODE OR BY COUNTY ORDINANCE THAT” and substitute “LAW WHICH”.

On page 2 in lines 10 and 11, on page 3 in lines 16 and 17, on page 5 in lines 12 and 13, on page 6 in lines 21 and 22, on page 7 in lines 31 and 32, and on page 9 in lines 34 and 35, in each instance, strike “ORDERED IN COMPLIANCE WITH TITLE 8, SUBTITLE 5 OF THE HEALTH - GENERAL ARTICLE”.

AMENDMENT NO. 3

On page 2, in line 21, strike the comma; and after line 22, insert:

“(4) (I) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL CONFINEMENT IMPOSED UNDER THIS SUBSECTION MAY NOT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED.”

(Over)

(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO LIMIT A COURT’S AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED.”.

On page 3, after line 7, insert:

“(F) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE COURT.”.

AMENDMENT NO. 4

On page 3, strike in their entirety lines 36 and 37.

On page 4, after line 17, insert:

“(V) AS A CONDITION OF PROBATION THE COURT MAY ORDER A PERSON TO A TERM OF CUSTODIAL CONFINEMENT.

(VI) 1. THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL CONFINEMENT IMPOSED UNDER THIS PARAGRAPH MAY NOT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS FOUND GUILTY.

2. THIS SUBPARAGRAPH MAY NOT BE CONSTRUED TO LIMIT A COURT’S AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF PROBATION OTHER THAN CUSTODIAL CONFINEMENT THAT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS FOUND GUILTY.”;

in line 37, after “(C)” insert “(1)”; and after line 39, insert:

“(2) IF AN INDIVIDUAL VIOLATES A TERM OR CONDITION OF PROBATION, ANY TIME SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE COURT.”.

AMENDMENT NO. 5

On page 5, strike beginning with “AS” in line 21 down through “CONFINEMENT” in line 22; in line 23, strike “(4) The” and substitute “EXCEPT AS PROVIDED IN PARAGRAPHS (4), (5), AND (6) OF THIS SUBSECTION, THE”; after line 26, insert:

“(4) AS A CONDITION OF PROBATION THE COURT MAY ORDER A DEFENDANT TO A TERM OF CUSTODIAL CONFINEMENT.

(5) (I) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL CONFINEMENT IMPOSED UNDER THIS SUBSECTION MAY NOT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED.

(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO LIMIT A COURT’S AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED.”;

and in lines 27, 29, and 35, strike “(5)”, “(b)”, and “(c)”, respectively, and substitute “(6)”, “(C)”, and “(D)”, respectively.

On page 6, in line 3, strike “(d)” and substitute “(E)”; after line 9, insert:

“(F) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE COURT.”;

and in line 24, strike “(b)” and substitute “(C)”.

AMENDMENT NO. 6

On page 7 after line 22, and on page 10 after line 23, insert:

“(E) (1) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL CONFINEMENT IMPOSED UNDER THIS SECTION MAY NOT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT A COURT’S AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED.

(3) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE COURT.”.

On page 9, after line 25, insert:

“(I) (1) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL CONFINEMENT IMPOSED UNDER THIS SECTION MAY NOT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT A COURT’S AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED.

(3) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE COURT.”.

AMENDMENT NO. 7

On page 10, strike in their entirety lines 24 through 32, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2001.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a ye and nay vote supported by three-fifths of all of the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 3 of this Act, shall take effect from the date it is enacted. Section 1 of this Act shall remain effective until the taking effect of Section 2 of this Act. On the taking effect of Section 2 of this Act, Section 1 of this Act shall be abrogated and of no further force and effect.”.