

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 406

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “or” in line 4 down through “homes” in line 5 and substitute “, on, or within a certain distance of real property upon which is located a child care center or family day care home”; in line 11, after “the” insert “voluntary”; in line 12, after “notice;” insert “requiring the admissibility of certain maps depicting certain areas in certain prosecutions for certain offenses; establishing certain maps as prima facie evidence of certain locations and boundaries of certain areas under certain circumstances; providing for the revision, filing, and maintenance of certain maps under certain circumstances;”; and in line 14, strike “centers” and substitute “homes”.

AMENDMENT NO. 2

On page 2, in line 12, strike “OR ON THE PROPERTY OF” and substitute “, ON, OR WITHIN 1,000 FEET OF REAL PROPERTY UPON WHICH IS LOCATED”.

AMENDMENT NO. 3

On page 2, in line 27, after “THE” insert “VOLUNTARY”; strike beginning with “DESIGNATING” in line 27 down through “AS” in line 28 and substitute “BY THE OWNER OR OPERATOR OF A CHILD CARE CENTER OR FAMILY DAY CARE HOME DESIGNATING THE PROPERTY DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION AS A”; and in line 28, strike “ZONES” and substitute “ZONE”.

AMENDMENT NO. 4

On page 2, after line 30, insert:

“(E) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP PRODUCED OR REPRODUCED BY ANY MUNICIPAL OR COUNTY AGENCY OR DEPARTMENT FOR THE PURPOSE OF DEPICTING THE LOCATION AND BOUNDARIES OF THE AREA ON OR WITHIN 1,000 FEET OF THE PROPERTY UPON WHICH IS LOCATED A CHILD CARE

(Over)

CENTER OR FAMILY DAY CARE HOME, OR A TRUE COPY OF THE MAP, SHALL, IF CERTIFIED AS A TRUE COPY BY THE CUSTODIAN OF THE RECORD, BE ADMISSIBLE AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE LOCATION AND BOUNDARIES OF THE AREA, IF THE GOVERNING BODY OF THE MUNICIPALITY OR COUNTY HAS APPROVED THE MAP AS AN OFFICIAL RECORD OF THE LOCATION AND BOUNDARIES OF THE AREA.

(2) A MAP APPROVED UNDER THIS SECTION MAY BE REVISED FROM TIME TO TIME BY THE GOVERNING BODY OF THE MUNICIPALITY OR COUNTY.

(3) THE ORIGINAL OF EVERY MAP APPROVED OR REVISED UNDER THIS SECTION, OR A TRUE COPY, SHALL BE FILED WITH THE MUNICIPALITY OR COUNTY AND SHALL BE MAINTAINED AS AN OFFICIAL RECORD OF THE MUNICIPALITY OR COUNTY.

(4) THIS SECTION DOES NOT PRECLUDE THE PROSECUTION FROM INTRODUCING OR RELYING UPON ANY OTHER EVIDENCE OR TESTIMONY TO ESTABLISH ANY ELEMENT OF THIS OFFENSE.

(5) THIS SECTION DOES NOT PRECLUDE THE USE OR ADMISSIBILITY OF A MAP OR DIAGRAM OTHER THAN THE ONE WHICH HAS BEEN APPROVED BY THE MUNICIPALITY OR COUNTY.”.