

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 74

(First Reading File Bill)

AMENDMENT NO. 1

At the top of page 1, insert "EMERGENCY BILL"; in line 4, after the second "organization" insert "or engaged in terrorist activity"; in line 8, after "organization" insert "or engaged in terrorist activity"; strike beginning with "requiring" in line 11 down through "Act" in line 12 and substitute "making this Act an emergency measure".

AMENDMENT NO. 2

On page 1, in line 23, after "(2)" insert:

"(I) THIS PARAGRAPH APPLIES TO AN INTERCEPTION IN WHICH:

1. THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OR OTHER PERSON IS A PARTY TO THE COMMUNICATION; OR

2. ONE OF THE PARTIES TO THE COMMUNICATION HAS GIVEN PRIOR CONSENT TO THE INTERCEPTION.

(II) "

and in line 26, strike "of" and substitute ";

1. OF".

On page 2, in lines 1, 7, 8, 9, 10, 11, 13, 14, 16, 18, 19, 20, 22, and 24, strike "(I)", "(II)", "(III)", "(IV)", "(V)", "(VI)", "(VII)", "(VIII)", "(IX)", "(X)", "(XI)", "(XII)", "(XIII)", and "(XIV)", respectively, and substitute "A.", "B.", "C.", "D.", "E.", "F.", "G.", "H.", "I.", "J.", "K.", "L.", "M.", and "N.", respectively; in line 16, strike "ANY" and substitute "A"; in line 22, before

(Over)

“FRAUDULENT” insert “A”; in the same line, strike “acts” and substitute “ACT”; and in line 24, strike “OFFENSES” and substitute “AN OFFENSE”.

On pages 2 and 3, strike in their entirety the lines beginning with line 26 on page 2 through line 7 on page 3, inclusive, and substitute:

“O. AN OFFENSE COMMITTED BY OR ON BEHALF OF AN ORGANIZATION THAT IS DESIGNATED AS A FOREIGN TERRORIST ORGANIZATION IN ACCORDANCE WITH 8 U.S.C., § 1189 OR ENGAGED IN TERRORIST ACTIVITY AS DEFINED IN § 411 OF THE FEDERAL USA PATRIOT ACT OF 2001; OR

P. A conspiracy or solicitation to commit [any of these offenses, or where any] AN OFFENSE LISTED IN ITEMS A THROUGH O OF THIS ITEM; OR

2. IF:

A. A person has created a barricade [situation and probable] SITUATION; AND

B. PROBABLE cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved[, where the person is a party to the communication or one of the parties to the communication has given prior consent to the interception].”.

On page 3, in line 24, strike “ANY” and substitute “A”; in line 29, strike “OFFENSES” and substitute “AN OFFENSE”; and strike in their entirety lines 31 through 33, inclusive, and substitute:

“(11) AN OFFENSE COMMITTED BY OR ON BEHALF OF AN ORGANIZATION THAT IS DESIGNATED AS A FOREIGN TERRORIST ORGANIZATION IN ACCORDANCE WITH 8 U.S.C., § 1189 OR ENGAGED IN TERRORIST ACTIVITY AS DEFINED IN § 411 OF THE FEDERAL USA PATRIOT ACT OF 2001; OR”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 3 through 13, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or 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 shall take effect from the date it is enacted.”.