

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL NO. 204, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, strike "Criminal Law -".

On page 1 of the Judicial Proceedings Committee Amendments (SB0204/158673/1), in line 5 of Amendment No. 1, after "Act;" insert "establishing that a certain violation of this Act is a civil offense punishable by a certain penalty; authorizing a State's Attorney to issue a citation for a certain violation of this Act under certain circumstances; establishing the required contents of a certain citation; establishing the methods by which a person may appear for a certain violation of this Act; establishing the burden of proof and evidentiary standards for a proceeding for a certain violation of this Act; establishing that a certain adjudication is not a criminal conviction;".

AMENDMENT NO. 2

On page 2 of the Judicial Proceedings Committee Amendments, in Amendment No. 2, strike in their entirety lines 19 through 21, inclusive, and substitute:

"(D) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$100.

(2) A VIOLATION OF THIS SECTION SHALL BE CHARGED BY A CITATION ISSUED IN ACCORDANCE WITH THIS SUBSECTION.

(3) A CITATION FOR A VIOLATION OF THIS SECTION MAY BE ISSUED BY A STATE'S ATTORNEY IF:

(I) THE STATE'S ATTORNEY RECEIVES A COMPLAINT FROM A PERSON HAVING KNOWLEDGE OF FACTS WHICH INDICATE THAT A PERSON HAS COMMITTED A VIOLATION OF THIS SECTION; AND

(Over)

(II) THE STATE'S ATTORNEY HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON ACCUSED HAS COMMITTED A VIOLATION OF THIS SECTION.

(4) A CITATION ISSUED FOR A VIOLATION OF THIS SECTION SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(II) THE STATUTE ALLEGEDLY VIOLATED;

(III) THE LOCATION, DATE, AND TIME THAT THE VIOLATION OCCURRED;

(IV) THE FINE THAT MAY BE IMPOSED;

(V) A NOTICE TO APPEAR IN COURT; AND

(VII) THE SIGNATURE OF THE PERSON ISSUING THE CITATION.

(5) FOR PURPOSES OF THIS SUBSECTION, A PERSON MAY COMPLY WITH A NOTICE TO APPEAR BY:

(I) APPEARANCE IN PERSON;

(II) APPEARANCE BY COUNSEL; OR

(III) PAYMENT OF THE FINE.

(6) IN A PROCEEDING FOR A VIOLATION UNDER THIS SECTION, THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT TO THE SAME EXTENT AS IS REQUIRED BY LAW IN THE TRIAL OF CRIMINAL CAUSES, AND IN ANY SUCH PROCEEDING, THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CAUSES.

(7) ADJUDICATION OF A VIOLATION OF THIS SECTION IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT IMPOSE ANY OF THE

CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.”.