

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 804

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Procedure -”; in the same line, after “Defendants” insert “and Juvenile Respondents”; in line 3, after “Responsibility” insert “- Task Force to Study Persons Incompetent to Stand Trial or Juvenile Adjudication”; strike beginning with “altering” in line 4 down through “persons;” in line 22 and substitute “establishing a Task Force to Study Persons Incompetent to Stand Trial or Juvenile Adjudication; providing for the membership of the Task Force; providing for the selection of the chair of the Task Force; providing for staffing of the Task Force; providing that the members of the Task Force may not receive compensation but are entitled to a certain reimbursement; establishing the duties of the Task Force; requiring the Task Force to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act;”; in line 23, after “defendants” insert “and juvenile respondents”; strike in their entirety lines 24 through 28, inclusive; and in line 30, strike “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 1 on page 2 through line 3 on page 6, inclusive.

AMENDMENT NO. 3

On page 6, after line 3, insert:

“(a) There is a Task Force to Study Persons Incompetent to Stand Trial or Juvenile Adjudication.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the

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Senate:

(2) two members of the House of Delegates, appointed by the Speaker of the

House:

(3) the Chief Judge of the Court of Appeals, or the Chief Judge's designee;

(4) the Secretary of Juvenile Services, or the Secretary's designee;

(5) the Secretary of Health and Mental Hygiene, or the Secretary's designee; and

(6) the following members, appointed by the Governor:

Practice Section:

(i) one representative of the Maryland Bar Association Criminal Law and

(ii) one representative of the Maryland Disability Law Center;

(iii) one State's Attorney;

(iv) one administrative law judge from the Office of Administrative

Hearings:

(v) one representative of a victims' rights organization;

(vi) one representative of the Office of the Public Defender;

(vii) one representative from the Mental Health Association of Maryland;

(viii) one representative from On Our Own of Maryland;

(ix) one representative of the Arc of Maryland;

the Attorney General:

(x) one representative of the Criminal Appeals Division of the Office of

(xi) one representative from the Legal Aid Bureau, Incorporated;

(xii) one representative of the Brain Injury Association of Maryland; and

(xiii) one member of the public.

(c) (1) In appointing members of the Task Force, the Governor, to the extent possible, shall appoint members representing geographically diverse jurisdictions across the State.

(2) The Governor shall designate the chair of the Task Force.

(d) The Department of Health and Mental Hygiene shall provide staff to the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall meet at the times and places that the chair determines.

(g) The Task Force shall:

(1) study whether and in what manner the State should revise laws relating to persons incompetent to stand trial or juvenile adjudication;

(2) review Supreme Court precedents on the issue of competency to stand trial, including Jackson v. Indiana, 406 U.S. 715 (1972);

(3) make legislative recommendations, including recommendations for legislation regarding criminal defendants and juvenile respondents who are committed to mental hygiene and developmental disability facilities or other living arrangements after a judicial determination of incompetence to stand trial or juvenile adjudication;

(4) address the standards and mechanisms by which a defendant or juvenile

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respondent found incompetent to stand trial or juvenile adjudication might be retained or released when there is no substantial likelihood that the defendant or respondent will become competent to stand trial or adjudication in the foreseeable future;

(5) study how recommended improvements would be funded;

(6) address the following related topics regarding defendants and juvenile respondents found incompetent:

(i) continuation or dismissal of pending charges;

(ii) voluntary and involuntary general civil commitment procedures to mental health facilities and other living arrangements;

(iii) general civil admission procedures to developmental disability facilities and other living arrangements;

(iv) judicial civil commitment;

(v) conditional release plans and procedures; and

(vi) aftercare planning; and

(7) prepare a report summarizing the Task Force's findings and recommendations.

(h) On or before December 31, 2005, the Task Force shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”;

in line 5, strike “October” and substitute “June”; and in the same line, after “2005.” insert “It shall remain effective for a period of 1 year and, at the end of May 31, 2006, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.