

BY: Senator Gladden

AMENDMENTS TO SENATE BILL NO. 188

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Teitelbaum” and substitute “Teitelbaum, and Gladden”; and in line 28, after “circumstances;” insert “providing that a local law enforcement agency must provide certain protection to a victim or witness if the court, a juvenile intake officer, or a District Court commissioner makes a certain finding;”.

On page 2, after line 24, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 11-203

Annotated Code of Maryland

(2001 Volume and 2004 Supplement)”.”.

AMENDMENT NO. 2

On page 6, after line 13, insert:

“11-203.

(A) As provided under § 5-201 of this article or § 3-8A-15 of the Courts Article, the court, a juvenile intake officer, or a District Court commissioner shall consider:

(1) the safety of the alleged victim in setting conditions of:

(i) the pretrial release of a defendant; or

(ii) the prehearing release of a child respondent who is alleged to have

(Over)

committed a delinquent act; and

(2) a condition of no contact with the alleged victim or the alleged victim's premises or place of employment.

(B) (1) A FINDING UNDER THIS SUBSECTION MAY BE BASED ON ANY RELEVANT EVIDENCE INCLUDING CREDIBLE HEARSAY.

(2) IF THE COURT, A JUVENILE INTAKE OFFICER, OR A DISTRICT COURT COMMISSIONER FINDS THAT A DEFENDANT HAS MADE AN ATTEMPT TO INTIMIDATE A VICTIM OR WITNESS, IN ADDITION TO ANY REMEDY THE COURT, JUVENILE INTAKE OFFICER, OR DISTRICT COURT COMMISSIONER MAY ORDER UNDER THIS SECTION OR § 9-304 OF THE CRIMINAL LAW ARTICLE, THE LOCAL LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY BEGIN PROVIDING PROTECTION FOR THE VICTIM OR WITNESS 24 HOURS A DAY UNTIL THE PROCEEDINGS AGAINST THE DEFENDANT, IN WHICH THE VICTIM OR WITNESS WOULD PROVIDE TESTIMONY, ARE RESOLVED.”.