

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 795
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “the verdict is”; in the same line, after “final” insert “judgment”; in line 28, after “persons;” insert “requiring that a certain victim or victim’s representative be notified regarding a certain individual who is committed to the custody of a Health Department facility under certain circumstances if certain events occur after certain criminal charges are dismissed;”; and after line 34, insert:

“BY repealing and reenacting, without amendments,

Article - Criminal Procedure

Section 3-123(a), (b), and (c)

Annotated Code of Maryland

(2001 Volume and 2005 Supplement)

BY adding to

Article - Criminal Procedure

Section 3-123(l)

Annotated Code of Maryland

(2001 Volume and 2005 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 13, strike “THE verdict IS”; and in the same line, after “FINAL” insert “JUDGMENT”.

On page 4, in line 30, strike the period and substitute “; AND”.

AMENDMENT NO. 3

On page 7, in line 4, strike “WITH” and substitute “WITHOUT”; and in line 22, strike the

(Over)

semicolon and substitute a colon.

AMENDMENT NO. 4

On page 8, strike beginning with “IF” in line 2 down through “RECOMMENDED” in line 14 and substitute “THE DEPARTMENT SHALL INCLUDE A SUPPLEMENTAL REPORT THAT PROVIDES A PLAN FOR SERVICES TO FACILITATE THE DEFENDANT REMAINING COMPETENT TO STAND TRIAL OR NOT DANGEROUS, AS A RESULT OF MENTAL RETARDATION OR A MENTAL DISORDER, TO SELF OR THE PERSON OR PROPERTY OF OTHERS, IF:

(I) A REPORT REQUIRED UNDER THIS TITLE STATES AN OPINION THAT THE DEFENDANT IS COMPETENT TO STAND TRIAL OR IS NOT DANGEROUS, AS A RESULT OF MENTAL RETARDATION OR A MENTAL DISORDER, TO SELF OR THE PERSON OR PROPERTY OF OTHERS; AND

(II) A PLAN IS NECESSARY TO MAINTAIN THE DEFENDANT SAFELY IN THE COMMUNITY, TO MAINTAIN COMPETENCY, OR TO RESTORE COMPETENCY.

(3) IF APPROPRIATE, THE PLAN REQUIRED IN THE REPORT UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE RECOMMENDED”;

in line 21, after “OTHER” insert “CLINICAL”; in the same line, strike “, AS CLINICALLY APPROPRIATE”; in line 23, strike the colon; in line 24, strike “(I)”; in lines 26, 28, 30, and 32, strike “1.”, “2.”, “3.”, and “4.”, respectively, and substitute “(I)”, “(II)”, “(III)”, and “(IV)”, respectively; and strike lines 34 and 35 in their entirety and substitute:

“(5) IF THE PLAN REQUIRED IN THE REPORT UNDER PARAGRAPH (2) OF THIS SUBSECTION IS FOR A DEFENDANT COMMITTED TO A STATE RESIDENTIAL FACILITY, THE REPORT SHALL STATE WHETHER:”.

AMENDMENT NO. 5

On page 9, in lines 1, 3, 5, and 7, strike “1.”, “2.”, “3.”, and “(5)”, respectively, and substitute “(I)”, “(II)”, “(III)”, and “(6)”, respectively; and strike in their entirety lines 12 through 15, inclusive.

AMENDMENT NO. 6

On page 10, after line 3, insert:
“3-123.”

- (a) (1) In this section the following terms have the meanings indicated.
- (2) “Defendant” means:
- (i) a committed individual;
- (ii) an individual found incompetent to stand trial; or
- (iii) an individual charged with a crime and the issue of whether the individual is incompetent to stand trial has been raised or where a plea of not criminally responsible has been entered.
- (3) “Victim” means a victim of a crime of violence or a victim who has filed a notification request form under § 11-104 of this article.
- (4) “Victim’s representative” includes a family member or guardian of a victim who is:
- (i) a minor;
- (ii) deceased; or
- (iii) disabled.
- (b) A State’s Attorney shall notify a victim or victim’s representative of all rights provided under this section.
- (c) (1) A victim or victim’s representative may request notification under this section by:
- (i) notifying the State’s Attorney and the Health Department of the request for notification; or

(ii) filing a notification request form under § 11-104 of this article.

(2) A request for notification under paragraph (1)(i) of this subsection shall designate:

(i) the address and telephone number of the victim; or

(ii) the name, address, and telephone number of a victim's representative.

(3) A victim or victim's representative may, at any time, withdraw a request for notification.

(L) (1) THIS SUBSECTION APPLIES ONLY TO A DEFENDANT AS DEFINED IN SUBSECTION (A)(2)(II) OR (III) OF THIS SECTION AFTER THE CRIMINAL CHARGES AGAINST THE DEFENDANT HAVE BEEN DISMISSED UNDER § 3-107 OR § 3-108 OF THIS SUBTITLE.

(2) IF A VICTIM OR VICTIM'S REPRESENTATIVE HAS REQUESTED NOTIFICATION IN THE MANNER PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, THE HEALTH DEPARTMENT SHALL PROMPTLY NOTIFY THE VICTIM OR THE VICTIM'S REPRESENTATIVE IN WRITING IF THE DEFENDANT:

(I) ESCAPES;

(II) IS RECAPTURED;

(III) IS TRANSFERRED TO ANOTHER FACILITY;

(IV) IS RELEASED; OR

(V) HAS DIED."