

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 807
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, 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;”.

On page 2, after line 6, 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 5, in line 21, after “OF” insert “SELF OR”.

On page 7, in line 12, strike “WITH” and substitute “WITHOUT”.

On page 8, in line 19, strike “A PLAN IS” and substitute “SERVICES ARE”.

(Over)

On page 9, in line 9, strike “FACILITY” and substitute “CENTER”.

On page 10, after line 7, 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."