

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Haines, and Mooney”.

AMENDMENT NO. 2

On page 1, in line 4, after “supervision;” insert “adding certain hearings related to lifetime sexual offender supervision to the list of subsequent proceedings for which the State’s Attorney is required to provide a certain notice to a certain victim or victim’s representative;”; in line 8, after the first “supervision;” insert “authorizing a sentence for certain persons to include a term of lifetime sexual offender supervision;”; in line 14, after “circumstances;” insert “requiring the sentencing court to order a certain risk assessment under certain circumstances;”; in line 19, strike “authorizing” and substitute “prohibiting”; and in the same line, strike “to deny” and substitute “from denying”.

On page 2, in line 10, strike “11-701” and substitute “11-503, 11-701”.

AMENDMENT NO. 3

On page 3, after line 3, insert:

“11-503.

(a) In this section, “subsequent proceeding” includes:

(1) a sentence review under § 8-102 of this article;

(2) a hearing on a request to have a sentence modified or vacated under the Maryland Rules;

(Over)

(3) in a juvenile delinquency proceeding, a review of a commitment order or other disposition under the Maryland Rules;

(4) an appeal to the Court of Special Appeals;

(5) an appeal to the Court of Appeals; [and]

(6) A HEARING ON AN ADJUSTMENT OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11-723 OF THIS TITLE OR A HEARING ON A VIOLATION OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION OR A PETITION FOR DISCHARGE FROM SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11-724 OF THIS TITLE; AND

(7) any other postsentencing court proceeding.

(b) Following conviction or adjudication and sentencing or disposition of a defendant or child respondent, the State's Attorney shall notify the victim or victim's representative of a subsequent proceeding in accordance with § 11-104(e) of this title if:

(1) before the State's Attorney distributes notification request forms under § 11-104(c) of this title, the victim or victim's representative submitted to the State's Attorney a written request to be notified of subsequent proceedings; or

(2) after the State's Attorney distributes notification request forms under § 11-104(c) of this title, the victim or victim's representative submits a notification request form in accordance with § 11-104(d) of this title.

(c) (1) The State's Attorney's office shall:

(i) notify the victim or victim's representative of all appeals to the Court of Special Appeals and the Court of Appeals; and

(ii) send an information copy of the notification to the office of the Attorney General.

(2) After the initial notification to the victim or victim's representative or receipt of a notification request form, as defined in § 11-104 of this title, the office of the Attorney General shall:

(i) notify the victim or victim's representative of each subsequent date pertinent to the appeal, including dates of hearings, postponements, and decisions of the appellate courts; and

(ii) send an information copy of the notification to the State's Attorney's office.

(d) A notice sent under this section shall include the date, the time, the location, and a brief description of the subsequent proceeding."

AMENDMENT NO. 4

On page 7, in line 29, after "**§ 3-305,**" insert "OR"; and in the same line, strike "**OR § 3-307(A)(1) OR (2)**".

On page 8, in line 4, after "**ONCE**" insert "ARISING OUT OF SEPARATE INCIDENTS"; after line 6, insert:

"(B) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR A VIOLATION OF § 3-

307(A)(1) OR (2) MAY INCLUDE A TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION.”;

in line 7, strike “(b)” and substitute “(C)”; in line 13, strike “(C)” and substitute “(D)”; in the same line, strike “THE” and substitute “FOR A SENTENCE THAT INCLUDES A TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION, THE”; in line 18, after “ORDER” insert “;

(I)”;

and in line 19, after “ARTICLE” insert “; AND

(II) FOR A SENTENCE FOR A VIOLATION OF § 3-307(A)(1) OR (2), A RISK ASSESSMENT OF THE PERSON CONDUCTED BY A SEXUAL OFFENDER TREATMENT PROVIDER”.

AMENDMENT NO. 5

On page 8, strike beginning with “AS” in line 5 down through “OFFENDER” in line 6 and substitute “THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE”.

On page 12, in line 3, after “MAY” insert “NOT”.