HB0473/848976/1

BY: Judicial Proceedings Committee

<u>AMENDMENTS TO HOUSE BILL 473</u>
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "supervision;" insert "<u>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;</u>"; in line 8, after the first "supervision;" insert "<u>authorizing a sentence for certain persons to include a term of lifetime sexual offender supervision;</u>"; and in line 14, after "circumstances;" insert "<u>requiring the sentencing court to order a certain risk assessment under certain circumstances;</u>".

On page 2, strike beginning with "<u>clarifying</u>" in line 2 down through "<u>law;</u>" in line 4; in line 7, before "<u>prohibiting</u>" insert "<u>requiring certain judges to hear certain violations and certain petitions;</u>"; strike beginning with "<u>clarifying</u>" in line 10 down through "<u>law;</u>" in line 11; and in line 26, strike "11-701" and substitute "<u>11-503, 11-701,</u>".

AMENDMENT NO. 2

On page 3, after line 14, insert:

"<u>11–503.</u>

<u>(a)</u>   <u>In this section, "subsequent proceeding" includes:</u>

<u>(1)</u>   <u>a sentence review under § 8–102 of this article;</u>

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

(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. 3

On page 8, in line 7, after "**§ 3-305,**" insert "**OR**"; and in the same line, strike "**, OR § 3-307(A)(1) OR (2)**"; in line 14, after the semicolon, insert "**AND**"; strike lines 15 and 16 in their entirety; in line 17, strike "**(6)**" and substitute "**(5)**"; in line 18, after "**ONCE**" insert "**ARISING OUT OF SEPARATE INCIDENTS**"; strike beginning with "**AS**" in line 19 down through "**OFFENDER**" in line 20; after line 20, 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 21, strike "(b)" and substitute "**(C)**"; in line 27, 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 32, after "**ORDER**" insert "**:**

(I)";

and in line 33, 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**".

On page 9, strike in their entirety lines 28 through 30, inclusive.

On page 11, after line 16, insert:

"**(1)   ON WRITTEN CHARGES UNDER OATH OR ON VIOLATION OF A CONDITION OF SUPERVISION, ISSUE A WARRANT REQUIRING THE PERSON UNDER SUPERVISION TO BE BROUGHT OR TO APPEAR BEFORE THE JUDGE ISSUING THE WARRANT:**

(I)   TO ANSWER THE CHARGE OF VIOLATION OF CONDITIONS OF SUPERVISION; AND

(II)   TO BE PRESENT FOR THE SETTING OF A HEARING DATE FOR THAT CHARGE;";

in line 17, strike "**(1)**"; in line 25, before "**REMAND**" insert "**(2)**"; in line 26, after the second "**THE**" insert "**HEARING OR**"; in line 27, strike the first "**A**" and substitute "**THE**"; strike beginning with "**OF**" in line 27 down through "**SUPERVISION**" in line 28; in line 29, strike "**(2)**" and substitute "**(3)**"; in the same line, after "**IF**" insert "**AT THE HEARING**"; and in line 30, strike "**COMMITTED A VIOLATION OF**" and substitute "**VIOLATED**".

AMENDMENT NO. 4

     On page 12, before line 7, insert:

     "**(F)** **(1)** **THE JUDGE WHO ORIGINALLY IMPOSED THE LIFETIME SEXUAL OFFENDER SUPERVISION SHALL HEAR ANY CHARGE OF VIOLATION OF CONDITIONS OF SUPERVISION.**

     (2) **IF THE JUDGE HAS BEEN REMOVED FROM OFFICE, HAS DIED OR RESIGNED, OR IS OTHERWISE INCAPACITATED, ANOTHER JUDGE MAY ACT IN THE MATTER.**";

in line 7, strike "**(F)**" and substitute "**(G)**"; strike beginning with "**IS**" in line 25 down through "**OTHERS**" in line 26 and substitute "no longer poses an unacceptable risk to community safety"; and strike lines 32 and 33 in their entirety.