

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 327
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 3 down through “circumstances;” in line 21 and substitute “authorizing a person convicted of prostitution to file a motion to vacate the judgment under certain circumstances; establishing the requirements for a motion filed under this Act; requiring the court to hold a hearing on the motion under certain circumstances, with a certain exception; authorizing the court to take certain actions in ruling on the motion; requiring the court to state on the record the reasons for its ruling on the motion; establishing that a defendant in a proceeding under this Act has the burden of proof;”.

On page 2, in line 1, strike “with” and substitute “without”; and strike in their entirety lines 11 through 15, inclusive, and substitute:

“BY adding to

Article – Criminal Procedure

Section 8–302

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 21 on page 3 through line 15 on page 4, inclusive.

AMENDMENT NO. 3

On page 5, after line 32, insert:

“8–302.

(Over)

(A) A PERSON CONVICTED OF PROSTITUTION UNDER § 11-306 OF THE CRIMINAL LAW ARTICLE MAY FILE A MOTION TO VACATE THE JUDGMENT IF:

(1) WHEN THE PERSON COMMITTED THE ACT OR ACTS OF PROSTITUTION, THE PERSON WAS ACTING UNDER DURESS CAUSED BY THREATS OF HARM TO THE PERSON OR THE PERSON'S FAMILY; AND

(2) THE PERSON'S CONVICTION FOR PROSTITUTION WAS THE RESULT OF ANOTHER'S VIOLATION OF THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER § 11-303 OF THE CRIMINAL LAW ARTICLE OR UNDER FEDERAL LAW.

(B) A MOTION FILED UNDER THIS SECTION SHALL:

(1) BE IN WRITING;

(2) BE SIGNED AND CONSENTED TO BY THE STATE'S ATTORNEY;

(3) BE MADE WITHIN A REASONABLE PERIOD OF TIME AFTER THE CONVICTION; AND

(4) DESCRIBE THE EVIDENCE AND PROVIDE COPIES OF ANY DOCUMENTS SHOWING THAT THE DEFENDANT IS ENTITLED TO RELIEF UNDER THIS SECTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON A MOTION FILED UNDER THIS SECTION IF THE MOTION SATISFIES THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE COURT MAY DISMISS A MOTION WITHOUT A HEARING IF THE COURT FINDS THAT THE MOTION FAILS TO ASSERT GROUNDS ON WHICH RELIEF MAY BE GRANTED.

(D) (1) IN RULING ON A MOTION FILED UNDER THIS SECTION, THE COURT MAY VACATE THE CONVICTION, MODIFY THE SENTENCE, OR GRANT A NEW TRIAL.

(2) THE COURT SHALL STATE THE REASONS FOR ITS RULING ON THE RECORD.

(E) A DEFENDANT IN A PROCEEDING UNDER THIS SECTION HAS THE BURDEN OF PROOF.”

AMENDMENT NO. 4

On pages 5 through 9, strike in their entirety the lines beginning with line 33 on page 5 through line 17 on page 9, inclusive.