

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 664
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Penalties” and substitute “Enhanced Penalty”; in line 4, strike “prohibiting” and substitute “enhancing the penalty for”; in the same line, strike “from committing” and substitute “who commits”; in line 7, strike “establishing certain penalties for a violation of this Act;”; in line 8, strike “a sentence” and substitute “an enhanced penalty”; in line 9, after “Act;” insert “providing that, to impose a certain enhanced penalty, the State must provide the defendant with a certain notice within a certain period before trial and prove certain elements beyond a reasonable doubt;”; in line 10, strike “violates” and substitute “receives an enhanced penalty under”; and in line 11, after “purposes;” insert “defining a certain term;”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 21 through 31, inclusive, and substitute:

“(A) IN THIS SECTION, “MINOR” MEANS A CHILD WHO IS AT LEAST 2 YEARS OLD AND UNDER THE AGE OF 16 YEARS.

“(B) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE COMMITTED IN A RESIDENCE WHEN THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT A MINOR WAS PRESENT IN THE RESIDENCE IS SUBJECT TO AN ENHANCED PENALTY OF UP TO 5 YEARS.

“(2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, A MINOR IS PRESENT IF THE MINOR IS WITHIN SIGHT OF THE CRIME OF VIOLENCE.

(Over)

(C) FOR AN ENHANCED PENALTY TO BE IMPOSED UNDER THIS SECTION:

(1) AT LEAST 30 DAYS BEFORE TRIAL, THE STATE SHALL GIVE WRITTEN NOTICE TO THE DEFENDANT OF THE STATE'S INTENTION TO SEEK THE ENHANCED PENALTY; AND

(2) EACH ELEMENT OF THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION MUST BE PROVEN BEYOND A REASONABLE DOUBT.

(D) IF THE DEFENDANT IS CHARGED BY INFORMATION OR INDICTMENT THE STATE MAY INCLUDE THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION IN THE INFORMATION OR INDICTMENT."

AMENDMENT NO. 3

On page 3, in line 1, strike "**(C)**" and substitute "**(E)**"; in the same line, strike "**A SENTENCE**" and substitute "**AN ENHANCED PENALTY**"; in line 4, strike "**(D)**" and substitute "**(F)**"; and in the same line, strike "**VIOLATES**" and substitute "**RECEIVES AN ENHANCED PENALTY UNDER**".