

HB1166/382112/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1166

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second “court” in line 3 down through the second “records” in line 4 and substitute “information”; in line 8, strike “entitled to” and substitute “eligible for”; in line 10, after “time;” insert “providing that if a person is not eligible for shielding of one conviction in a unit, the person is not eligible for shielding of any other conviction in the unit;”; in line 11, after “Attorney;” insert “authorizing the court to order the shielding of certain records after taking certain objections or information into consideration;”; strike beginning with “and” in line 11 down through “records” in line 12; and in line 12, strike “requiring” and substitute “authorizing”.

On pages 1 and 2, strike beginning with “prohibiting” in line 13 on page 1 down through “Act;” in line 7 on page 2 and substitute “requiring the court to send a certain written notice to certain victims;”.

On page 2, strike beginning with “providing” in line 8 down through “Act;” in line 9 and substitute “clarifying that this Act does not prevent a person from obtaining a certain record of another person from a certain custodian with the consent of the other person; clarifying that this Act does not prevent a person from obtaining a certain record on request from the appropriate custodian of records;”; strike beginning with “court” in line 10 down through “records” in line 11 and substitute “convictions”; in line 14, strike “10-306” and substitute “10-303”; and strike in their entirety lines 18 through 22, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 30 through 35, inclusive.

(Over)

On page 3, in lines 1 and 3, strike “(E)” and “(F)”, respectively, and substitute “(B)” and “(C)”, respectively; strike beginning with “RENDER” in line 1 down through “PUBLIC” in line 2 and substitute “COMPLETELY REMOVE ALL INFORMATION RELATING TO, AND ALL REFERENCES TO THE EXISTENCE OF, A CONVICTION FROM A PUBLIC WEB SITE MAINTAINED BY THE MARYLAND JUDICIARY”; strike beginning with “MISDEMEANOR” in line 15 down through “(7)” in line 17; and in lines 19, 21, 23, 25, and 27, strike “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively, and substitute “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively.

AMENDMENT NO. 3

On page 4, in lines 1 and 3, strike “(13)” and “(14)”, respectively, and substitute “(12)” and “(13)”, respectively; after line 5, insert:

“(D) “UNIT” MEANS TWO OR MORE CONVICTIONS THAT ARISE FROM THE SAME INCIDENT, TRANSACTION, OR SET OF FACTS.”;

strike in their entirety lines 9 through 22, inclusive; in lines 23 and 29, strike “(A)” and “(B)”, respectively, and substitute “(B)” and “(C)”, respectively; in line 23, after “AS” insert “OTHERWISE”; in the same line, strike “SUBSECTIONS (B) AND (C) OF”; strike beginning with the second “THE” in line 24 down through “TO” in line 25; and in line 31, strike “5” and substitute “8”.

On page 5, in lines 3, 9, 12, and 18, strike “(C)”, “(D)”, “(E)”, and “(F)”, respectively, and substitute “(D)”, “(E)”, “(F)”, and “(G)”, respectively; in line 4, strike “(A) OR (B)” and substitute “(B) OR (C)”; in lines 7, 9, and 10, in each instance, strike “ENTITLED TO” and substitute “ELIGIBLE FOR”; in line 16, strike “SHALL” and substitute “MAY”; strike beginning with “ALL” in line 16 down through “THE” in line 17 and substitute “A”; in line 17, after “CONVICTION” insert “AFTER TAKING INTO CONSIDERATION ANY OBJECTIONS OR ADDITIONAL INFORMATION PROVIDED BY THE STATE’S ATTORNEY OR THE VICTIM”; in line 21, strike “SHALL” and substitute

“MAY”; strike beginning with “ALL” in line 21 down through “TO” in line 22; and after line 22, insert:

“(3) THE COURT MAY DENY A PETITION UNDER THIS SECTION FOR GOOD CAUSE.

“(H) THE COURT SHALL SEND WRITTEN NOTICE OF THE PROPOSED ACTION TO ALL LISTED VICTIMS IN THE CASE IN WHICH THE PETITIONER IS SEEKING SHIELDING AT THE ADDRESS LISTED IN THE COURT FILE ADVISING THE VICTIM OR VICTIMS OF THE RIGHT TO OFFER TO THE COURT ADDITIONAL INFORMATION RELEVANT TO THE SHIELDING PETITION.”.

On pages 5 through 7, strike in their entirety the lines beginning with line 23 on page 5 through line 6 on page 7, inclusive, and substitute:

“10-303.

THIS SUBTITLE DOES NOT PREVENT:

(1) A PERSON FROM OBTAINING THE FULL, SHIELDED OR UNSHIELDED CRIMINAL OR TRAFFIC RECORD OF ANOTHER PERSON FROM THE APPROPRIATE CUSTODIAN OF RECORDS WITH THE CONSENT OF THE OTHER PERSON; OR

(2) A PERSON FROM OBTAINING THE PERSON’S FULL, SHIELDED OR UNSHIELDED CRIMINAL OR TRAFFIC RECORD ON REQUEST FROM THE APPROPRIATE CUSTODIAN OF RECORDS.”.