

HB0121/773320/1

BY: Delegate Walker

AMENDMENTS TO HOUSE BILL 121, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the House Judiciary Committee Amendments (HB0121/572911/1).

AMENDMENT NO. 2

On page 1 of the bill, in line 3, after “Sentences” insert “for Second-Time Offenders”; strike beginning with “providing” in line 7 down through “date;” in line 10; strike beginning with “repealing” in line 11 down through “offenses;” in line 12 and substitute “providing for the prospective application of this Act;”; in line 16, strike “and”; in the same line, after “5-606” insert “, 5-608(a), and 5-609(a)”; and in line 21, strike “5-608, and 5-609” and substitute “5-608(b), and 5-609(b)”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 24 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 3

On page 4 of the bill, strike in their entirety lines 1 through 17, inclusive.

AMENDMENT NO. 4

On page 3 of the bill, in line 23, strike the bracket; in the same line, after “who” insert “IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE AND”; in line 24, after “section” insert “FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE”; and in line 28, strike the bracket and substitute:

“(C) (1) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-602, § 5-604, § 5-605, OR § 5-606 OF THIS

(Over)

SUBTITLE AND HAS BEEN CONVICTED AT LEAST TWICE PREVIOUSLY UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 2 YEARS.

(2) THE COURT MAY NOT SUSPEND THE MANDATORY MINIMUM SENTENCE TO LESS THAN 2 YEARS.

(3) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

(D)".

On page 4 of the bill, in lines 23, 28, 30, and 32, in each instance, strike the brackets; in line 23, strike "A" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A"; and in lines 28, 30, and 32, strike "(1)", "(2)", and "(3)", respectively.

On page 5 of the bill, in line 1, strike the bracket; in the same line, after "(2)" insert "(1) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO COMMIT A CRIME INCLUDED UNDER SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED ONCE:

1. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

2. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE; OR

3. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-609 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE.

(II) 1.”;

in line 3, strike “(3)” and substitute “2.”; in line 5, strike “(4)” and substitute “(3)”; and in line 7, strike the bracket.

On pages 5 through 7 of the bill, strike in their entirety the lines beginning with line 8 on page 5 through line 10 on page 7, inclusive.

On page 7 of the bill, in line 25, strike the brackets; and in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”.

On page 8 of the bill, in lines 1, 3, 5, 8, and 9, in each instance, strike the bracket; in lines 1, 3, 5, and 8, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively; in line 9, after “(2)” insert “(I) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION OR OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS AND IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED ONCE:

(Over)

1. UNDER SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

2. OF CONSPIRACY TO COMMIT A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE;

3. OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN SUBSECTION (A) OF THIS SECTION OR § 5-608 OF THIS SUBTITLE FOR A VIOLATION OF § 5-603 OF THIS SUBTITLE IF COMMITTED IN THIS STATE; OR

4. OF ANY COMBINATION OF THESE CRIMES.

(II) 1.”;

in line 11, strike “(3)” and substitute “2.”; in line 13, strike “(4)” and substitute “(3)”; and in line 15, strike the bracket.

On pages 8 through 11 of the bill, strike in their entirety the lines beginning with line 16 on page 8 through line 10 on page 11, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any crime committed before the effective date of this Act.”

On page 11 of the bill, in line 11, strike “2.” and substitute “3.”.