

**HB0371/622114/1**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 371

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “- Felonies”; and strike beginning with “making” in line 6 down through “offenses” in line 8 and substitute “requiring a certain notice; making certain conforming changes; providing for the application of certain provisions of this Act; providing for the effective date of this Act”.

On page 2, after line 11, insert:

“BY adding to

Article – Transportation

Section 21-902(h)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

(As enacted by Chapter (S.B. 165) of the Acts of the General Assembly of 2017)”.

AMENDMENT NO. 2

On page 2, in line 19, after the second “of” insert “**THE**”; and after line 23, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings”.

On page 3, after line 9, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

(Over)

Article - Transportation

AMENDMENT NO. 3

On page 3, in lines 22, 25, and 29, in each instance, strike the brackets; and in lines 25 and 29, in each instance, strike “THIRD”.

On page 4, in lines 1 and 25, in each instance, strike “A” and substitute “NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, A”; in lines 13, 15, and 20, in each instance, strike the brackets; and in lines 15 and 20, in each instance, strike “THIRD”.

On page 5, in lines 1, 9, and 11, in each instance, strike the brackets; in line 11, strike “THIRD”; and in line 15, strike “A” and substitute “NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, A”.

AMENDMENT NO. 4

On page 5, in line 20, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; in the same line, strike “WHO VIOLATES” and substitute “CONVICTED OF A VIOLATION OF”; in line 21, strike “IS GUILTY OF A FELONY AND ON CONVICTION”; and after line 32, insert:

“(C) A COURT MAY NOT IMPOSE AN ADDITIONAL PENALTY UNDER THIS SUBSECTION UNLESS THE STATE’S ATTORNEY SERVES NOTICE OF THE ALLEGED PRIOR CONVICTIONS ON THE DEFENDANT OR THE DEFENDANT’S COUNSEL BEFORE THE ACCEPTANCE OF A PLEA OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN THE DISTRICT COURT, WHICHEVER IS EARLIER.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

4–301.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(24) Violation of § 11–721 of the Criminal Procedure Article as a second or subsequent offense; [or]

(25) Violation of § 11–303(b) of the Criminal Law Article; OR

**(26) VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE THAT IS PUNISHABLE UNDER § 21-902(H) OF THE TRANSPORTATION ARTICLE.**

Article – Transportation

21–902.

**(H) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF ANY PROVISION OF SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF:**

**(I) THREE OR MORE VIOLATIONS OF ANY PROVISION OF SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION; OR**

(Over)

(II) A VIOLATION OF § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

(2) FOR PURPOSES OF THIS SUBSECTION, A CONVICTION FOR A CRIME UNDER THE LAWS OF ANY STATE OR THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION IF COMMITTED IN THIS STATE SHALL BE CONSIDERED A PRIOR CONVICTION UNDER THIS SUBSECTION.

(3) A COURT MAY NOT IMPOSE AN ADDITIONAL PENALTY UNDER THIS SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE OF THE ALLEGED PRIOR CONVICTIONS ON THE DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE ACCEPTANCE OF A PLEA OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN THE DISTRICT COURT, WHICHEVER IS EARLIER."

AMENDMENT NO. 5

On page 6, strike in their entirety lines 1 and 2, and substitute:

"SECTION 5. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect on the taking effect of Chapter \_\_\_\_\_ (S.B. 165) of the Acts of the General Assembly of 2017. If Chapter \_\_\_\_\_ (S.B.165) does not take effect, Section 4 of this Act shall be null and void without the necessity of further action by the General Assembly. If Section 4 of this Act takes effect, Sections 1 and 3 shall be null and void without the necessity of further action by the General Assembly.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect October 1, 2017."