

HB1225/412314/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1225

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Dumais” and substitute “Delegates Dumais, Ali, Conaway, Gibson, Hayes, J. Lewis, Moon, Sanchez, and Vallario”.

AMENDMENT NO. 2

On page 1, in line 2, strike “State Finance and Procurement – Grant” and substitute “Compensation”; in line 3, after “Confined” insert “or Whose Conviction or Adjudication is Reversed”; in lines 5, 6, 8, and 18, in each instance, strike “a certain grant” and substitute “certain compensation”; in line 7, after “amounts;” insert “requiring certain compensation to include the amounts of certain fines, governmental fees, costs, and restitution;”; strike beginning with “repealing” in line 11 down through “services;” in line 13 and substitute “providing that certain provisions do not prohibit an individual from contracting for legal services to obtain certain compensation;”; in line 14, after “Board” insert “to direct a certain person”; in lines 14 and 15, strike “a certain grant” and substitute “certain compensation”; in line 17, after “Act;” insert “requiring the Board to pay certain compensation to an individual if a court reverses finally the conviction or adjudication of the individual;”; in line 21, strike “grants” and substitute “compensation”; and in line 22, after “confined” insert “and individuals whose convictions or adjudications are reversed by a court”.

On page 2, in line 1, after “10–502” insert “, 10–503, and 10–504”.

AMENDMENT NO. 3

(Over)

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On page 2, in line 19, strike “grant to” and substitute “COMPENSATE”; in line 20, after “commit” insert “IN”; in the same line, strike “commensurate with” and substitute “EQUAL TO THE GREATER OF:”

(I) \$50,000 FOR EACH YEAR THAT THE INDIVIDUAL WAS IN CUSTODY; OR

(II)”;

strike beginning with “and” in line 21 down through “confinement” in line 22 and substitute “INCLUDING THE AMOUNTS OF ANY FINES, GOVERNMENTAL FEES, COSTS, AND RESTITUTION PREVIOUSLY PAID BY THE INDIVIDUAL AND DETERMINED BY A COURT TO BE OWED TO THE INDIVIDUAL”; after line 22, insert:

“(2) THE BOARD OF PUBLIC WORKS MAY PROVIDE ADDITIONAL COMPENSATION FOR APPROPRIATE COUNSELING, INCLUDING FINANCIAL COUNSELING, TO THE INDIVIDUAL ERRONEOUSLY CONVICTED.”;

strike in their entirety lines 23 through 26, inclusive; in line 27, strike “(II)” and substitute “(3) IN ADDITION TO THE COMPENSATION AWARDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF PUBLIC WORKS SHALL COMPENSATE THE INDIVIDUAL”; after line 29, insert:

“(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INDIVIDUAL WHO SEEKS COMPENSATION UNDER THIS SECTION MAY NOT FILE OR MAINTAIN A SEPARATE LEGAL ACTION FOR COMPENSATION FROM THE STATE OR A LOCAL GOVERNMENT FOR AN ERRONEOUS CONVICTION, SENTENCE, OR CONFINEMENT.

(II) IF THE BOARD OF PUBLIC WORKS DENIES AN APPLICATION BY AN INDIVIDUAL FOR COMPENSATION UNDER THIS SECTION, THE INDIVIDUAL MAY MAINTAIN A SEPARATE LEGAL ACTION FOR COMPENSATION FROM THE STATE OR A LOCAL GOVERNMENT FOR AN ERRONEOUS CONVICTION, SENTENCE, OR CONFINEMENT.”;

strike in their entirety lines 30 through 32, inclusive; and in line 33, strike “a grant” and substitute “COMPENSATION”.

On page 3, in line 4, strike “grant” and substitute “COMPENSATION”; strike lines 6 and 7 in their entirety; in line 8, strike “(2) (i)” and substitute “(D) (1)”; in the same line, strike “a grant” and substitute “THE COMPENSATION”; in line 10, strike “grant” and substitute “COMPENSATION”; in lines 11 and 12, strike “(ii)” and “(iii)”, respectively, and substitute “(2)” and “(3)”, respectively; in line 14, strike “This” and substitute “NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, THIS”; in the same line, after “for” insert “LEGAL”; in line 16, strike “or”; in line 17, after “confinement” insert “; OR”

(4) OBTAIN COMPENSATION UNDER THIS SECTION”;

in the same line, strike the bracket; in line 18, strike “(D)” and substitute “(F)”; in line 21, strike “GRANTS” and substitute “COMPENSATION”; strike in their entirety lines 23 through 25, inclusive, and substitute:

“(A) FOR AN INDIVIDUAL WHO RECEIVES COMPENSATION UNDER § 10–501 OF THIS SUBTITLE, THE BOARD OF PUBLIC WORKS SHALL DIRECT THE APPROPRIATE STATE AGENCY OR SERVICE PROVIDER, OR CONTRACT WITH AN APPROPRIATE ENTITY, TO PROVIDE TO THE INDIVIDUAL FREE OF CHARGE.”;

and in line 30, after “CONFINEMENT” insert “FOR A PERIOD NOT EXCEEDING 5 YEARS”.

AMENDMENT NO. 4

On page 4, in line 11, strike “PRIOR TO” and substitute “BEFORE”; and after line 20, insert:

“10-503.

(A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO RECEIVES COMPENSATION UNDER § 10-501 OF THIS SUBTITLE.

(B) IF A COURT REVERSES FINALLY THE CONVICTION OR ADJUDICATION OF AN INDIVIDUAL AND ORDERS THAT FINES, GOVERNMENTAL FEES, COSTS, OR RESTITUTION THAT WERE PAID BY THE INDIVIDUAL IN CONNECTION WITH THE CONVICTION OR ADJUDICATION BE REFUNDED, THE BOARD OF PUBLIC WORKS SHALL COMPENSATE THE INDIVIDUAL FOR THE AMOUNT DETERMINED BY THE COURT TO BE OWED TO THE INDIVIDUAL FOR FINES, FEES, COSTS, AND RESTITUTION PREVIOUSLY PAID BY THE INDIVIDUAL.

10-504.

IN AWARDING COMPENSATION UNDER THIS SUBTITLE, THE BOARD OF PUBLIC WORKS SHALL USE MONEY IN THE GENERAL EMERGENCY FUND OR MONEY THAT THE GOVERNOR PROVIDES IN THE ANNUAL BUDGET.

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

AMENDMENT NO. 5

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On page 4, in line 27, strike “A GRANT” and substitute “ANY COMPENSATION”; in the same line, after “§ 10-501” insert “OR § 10-503”; in line 30, strike “ERRONEOUSLY CONVICTED, SENTENCED, AND CONFINED UNDER STATE LAW”; after line 30, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any affect on or application to any compensation awarded by the Board of Public Works before the effective date of this Act.”;

in line 31, strike “2.” and substitute “4.”; strike beginning with “this” in line 31 down through “and” in line 32 and substitute “Section 2 of this Act”; in line 32, strike “2018” and substitute “2017”; and after line 32, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.”.