

SB0053/683322/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 53
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Senator Carter**” and substitute “**Senators Carter, Hettleman, Lee, Smith, Sydnor, Waldstreicher, and Watson**”.

AMENDMENT NO. 2

On page 1, in line 2, strike the second “**Juvenile**” and substitute “**Child**”.

AMENDMENT NO. 3

On page 5, strike beginning with “**AN**” in line 22 down through “**INDIVIDUAL**” in line 25 and substitute “**AGAINST A THREAT TO PUBLIC SAFETY**”; and strike beginning with the second “**THE**” in line 29 down through the second “**INDIVIDUAL**” in line 30 and substitute “**AGAINST THE THREAT TO PUBLIC SAFETY**”.

AMENDMENT NO. 4

On page 6, in line 13, after “**(H)**” insert “**(1)**”; in line 15, strike “**THE**” and substitute “**THAT**”; and after line 17, insert:

“(2) THE STATE MAY OVERCOME THE PRESUMPTION BY SHOWING, BY CLEAR AND CONVINCING EVIDENCE, THAT THE STATEMENT WAS MADE KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY.

“(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO RENDER A STATEMENT BY THAT CHILD INADMISSIBLE IN A PROCEEDING AGAINST ANOTHER INDIVIDUAL.”

AMENDMENT NO. 5

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On page 7, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the term “threat to public safety”, as used in this Act be construed in a manner consistent with the judicially recognized exception to the requirements of Miranda v. Arizona, 384 U.S. 436 (1966).”;

and in line 3, strike “2.” and substitute “3.”.