

**SB0763/213122/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 763  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Collection**” and substitute “**Public Safety and Criminal Procedure – Collection, Reporting**”; after line 2, insert “**(Maryland Criminal Justice Data Transparency Act)**”; in line 3, after the first “of” insert “requiring the Division of Parole and Probation to report certain information annually to the General Assembly”; strike beginning with “Administrative” in line 5 down through “the” in line 6; in line 6, after “Policy;” insert “altering the definition of student data to allow certain records to be shared with the Maryland Longitudinal Data System Center”; strike beginning with the first “the” in line 7 down through “information” in line 8 and substitute “transparency of criminal justice data”; after line 8, insert:

“BY adding to

Article – Correctional Services

Section 6–122

Annotated Code of Maryland

(2017 Replacement Volume and 2021 Supplement)”;

in line 11, strike “15–506” and substitute “15–504”; in lines 11 and 12, strike “State’s Attorney’s” and substitute “Criminal Case and Prosecutorial”; and after line 14, insert:

“BY repealing and reenacting, without amendments,

Article – Education

Section 24–701(a) and 24–703(a) and (f)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

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Article – Education  
Section 24–701(l)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“Article – Correctional Services

6–122.

ON OR BEFORE DECEMBER 1, 2022, AND EACH DECEMBER 1 THEREAFTER, THE DIVISION SHALL REPORT, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE AND THE HOUSE JUDICIARY COMMITTEE ON THE NUMBER OF OFFENDERS SUPERVISED BY THE DIVISION THAT WERE SHOOTING VICTIMS, HOMICIDE VICTIMS, OR CHARGED WITH HOMICIDE, NONFATAL SHOOTING, RAPE, POLICE–INVOLVED SHOOTING, OR ANY CRIME INVOLVING THE OFFENDER’S USE OF A FIREARM.”;

and in line 18, strike “STATE’S ATTORNEY’S” and substitute “CRIMINAL CASE AND PROSECUTORIAL”.

On page 2, strike beginning with “AN” in line 1 down through “DOCUMENT” in line 2 and substitute “A GUIDELINES-ELIGIBLE CONVICTION CAPTURED BY THE AUTOMATED GUIDELINES SYSTEM”; strike in their entirety lines 3 through 11, inclusive; in lines 12 and 16, strike “(F)” and “(G)”, respectively, and substitute “(D)” and “(E)”, respectively; in line 12, strike “MODIFIER” and substitute “MODIFICATION”; strike beginning with “AN” in line 12 down through “LEVEL” in line 15 and substitute “THE ENHANCEMENT, REDUCTION, OR RECLASSIFICATION OF A CHARGE TO A

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**DIFFERENT CLASSIFICATION GRADE OR LEVEL DUE TO AGGRAVATING OR MITIGATING CIRCUMSTANCES**"; and strike in their entirety lines 18 through 26, inclusive.

On page 3, strike in their entirety lines 1 through 18, inclusive; in line 19, strike "**(K)**" and substitute "**(F)**"; strike in their entirety lines 21 and 22; in line 25, strike "**15-505**" and substitute "**15-503**"; and in line 26, strike "**ADMINISTRATIVE OFFICE OF THE COURTS**" and substitute "**COMMISSION**".

On page 4, strike in their entirety lines 4 through 6, inclusive; in lines 7, 13, 21, and 23, strike "**(5)**", "**(7)**", "**(13)**", and "**(15)**", respectively, and substitute "**(2)**", "**(3)**", "**(4)**", and "**(5)**", respectively; in line 8, after "**RACE;**" insert "**AND**"; in line 9, strike "**AND**"; strike in their entirety lines 10 through 12, inclusive; in line 13, strike "**ARREST DATE**" and substitute "**DATE OF THE OFFENSE**"; strike in their entirety lines 14 through 20, inclusive; in line 21, strike "**ATTORNEY;**" and substitute "**ATTORNEY THAT RESULTED IN CONVICTIONS;**"; strike in its entirety line 22; and strike beginning with "**DETERMINED**" in line 23 down through "**MADE**" in line 25 and substitute "**REPRESENTED BY PRIVATE COUNSEL, A PUBLIC DEFENDER, OR COURT-APPOINTED COUNSEL OR PROCEEDED PRO SE**".

On page 5, strike in their entirety lines 1 and 2; in lines 3 and 9, strike "**(18)**" and "**(19)**", respectively, and substitute "**(6)**" and "**(7)**", respectively; in line 3, strike "**WAS**" and substitute "**, PROBLEM-SOLVING COURT, OR AN ALTERNATIVE SENTENCING PROGRAM WERE**"; strike beginning with "**AND,**" in line 3 down through "**PAY**" in line 8; in line 9, strike "**THE**" and substitute "**ANY**"; in the same line, after "**CHARGE**" insert "**THAT RESULTED IN A CONVICTION**"; and strike in their entirety lines 11 through 26, inclusive.

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On page 6, strike in their entirety lines 1 through 23, inclusive; in line 24, strike “(35)” and substitute “(8)”; in the same line, strike “, INCLUDING:” and substitute “; AND”; and strike in its entirety line 25.

On page 7, strike in their entirety lines 1 through 9, inclusive; in line 10, strike “(39)” and substitute “(9)”; strike beginning with the semicolon in line 10 down through “ANY” in line 15; and in lines 19 and 21, in each instance, strike “ADMINISTRATIVE OFFICE OF THE COURTS” and substitute “COMMISSION”.

On pages 7 through 11, strike in their entirety the lines beginning with line 24 on page 7 through line 13 on page 11, inclusive.

On page 11, after line 13, insert “15-503.”; in line 14, strike “(C)” and substitute “(A)”; in the same line, strike “(1)”; in the same line, strike “2024” and substitute “2025”; in line 19, strike “(2)” and substitute “(B)”; strike in their entirety lines 22 through 30, inclusive; and in line 31, strike “15-506.” and substitute “15-504.”.

On page 12, after line 18, insert:

**“Article – Education**

24-701.

(a) In this subtitle the following words have the meanings indicated.

(1) (1) “Student data” means data relating to or impacting student performance.

(2) “Student data” includes:

(i) State and national assessments;

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- (ii) Course-taking and completion;
  - (iii) Grade point average;
  - (iv) Remediation;
  - (v) Retention;
  - (vi) Degree, diploma, or credential attainment;
  - (vii) Enrollment;
  - (viii) Demographic data;
  - (ix) Juvenile delinquency records;
  - (x) Elementary and secondary school disciplinary records;
  - (xi) Child welfare data;
  - (xii) License, industry certificate, or vocational certificate; and
  - (xiii) Personally identifiable information.
- (3) “Student data” does not include[:
- (i) Criminal and CINA records; and
  - (ii) Medical] MEDICAL and health records.

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(a) There is a Maryland Longitudinal Data System Center.

(f) The Center shall perform the following functions and duties:

(1) Serve as a central repository of student data and workforce data in the Maryland Longitudinal Data System, including data sets provided by:

(i) The State Department of Education;

(ii) Local education agencies;

(iii) The Maryland Higher Education Commission;

(iv) Institutions of higher education;

(v) The Maryland Department of Labor;

(vi) The Department of Juvenile Services; and

(vii) The Social Services Administration within the Department of Human Services;

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Criminal Justice Data Transparency.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

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(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the President of the Maryland State's Attorneys' Association, or the President's designee;

(4) the Executive Director of the Maryland State Commission on Criminal Sentencing Policy, or the Executive Director's designee;

(5) one representative of the Administrative Office of the Courts, appointed by the Governor; and

(6) one representative of the Vera Institute of Justice, appointed by the Governor.

(c) The President of the Senate and the Speaker of the House shall each designate one co-chair of the Task Force.

(d) The Maryland State Commission on Criminal Sentencing Policy shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

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(1) study the possibility of expanding the data collection and disclosure requirements established under Section 1 of this Act to include cases of the District Court; and

(2) make recommendations on potential statutory changes necessary to expand data collection and reporting.

(g) On or before December 31, 2023, the Task Force shall report its findings and recommendations to the Senate Judicial Proceedings Committee and the House Judiciary Committee in accordance with § 2-1257 of the State Government Article.”;

in lines 19 and 24, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively; and in line 25, after “2022.” insert “Section 2 of this Act shall remain effective for a period of 1 year and 9 months and, at the end of June 30, 2024, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.