

SB0758/963320/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 758
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “rape;” insert “requiring the Maryland Judiciary to annually report certain information to the General Assembly until a certain date;”; and after line 15, insert:

“BY adding to

Article - Criminal Procedure

Section 1–212

Annotated Code of Maryland

(2018 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with “**FOR**” in line 1 down through “**CONSIDERED**” in line 3 and substitute “**IN THIS SUBTITLE**”; in line 4, after “**(1)**” insert “**THE EXISTENCE OF**”; strike beginning with “**MAY**” in line 4 down through “**CIRCUMSTANCES**” in line 6 and substitute “**SHALL BE DETERMINED BASED ON A TOTALITY OF THE CIRCUMSTANCES, INCLUDING THE WORDS AND CONDUCT OF THE VICTIM AND THE DEFENDANT**”; in line 14, after “**CONSENT**” insert “**IF THE INDIVIDUAL ALLEGED TO HAVE PERFORMED THE ACT IN VIOLATION OF THIS SUBTITLE KNOWS OR REASONABLY SHOULD KNOW THAT THE VICTIM WOULD SUBMIT AS A RESULT OF FEAR, THREAT, OR COERCION**”; after line 28, insert:

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

Article – Criminal Procedure

1-212.

BEGINNING OCTOBER 1, 2024, AND EACH OCTOBER 1 THEREAFTER, THE MARYLAND JUDICIARY SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING DATA FOR THE PRECEDING CALENDAR YEAR, DISAGGREGATED BY COUNTY AND OFFENDER AGE, RACE, AND SEX:

(1) THE NUMBER OF CHARGES FILED IN THE STATE FOR VIOLATIONS OF §§ 3-303 THROUGH 3-308 OF THE CRIMINAL LAW ARTICLE, DISAGGREGATED BY THE MODALITY BY WHICH THE OFFENSE WAS COMMITTED; AND

(2) THE NUMBER OF CONVICTIONS IN THE STATE FOR VIOLATIONS OF §§ 3-303 THROUGH 3-308 OF THE CRIMINAL LAW ARTICLE, DISAGGREGATED BY THE MODALITY BY WHICH THE OFFENSE WAS COMMITTED.”;

in line 29, strike “2.” and substitute “3.”; and in line 30, after the period insert “Section 2 of this Act shall remain effective for a period of 5 years and 7 months and, at the end of April 30, 2029, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.