

HB0032/873427/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 32
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Charkoudian**” and substitute “**Delegates Charkoudian, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Szeliga, Taveras, White Holland, Woods, Woorman, and Ross**”; strike beginning with “**and**” in line 2 down through “**Program**” in line 3; in line 6, after “responsible;” insert “authorizing a forensic review board to make recommendations relating to the release or rehabilitation of a committed person;”; strike beginning with “establishing” in line 9 down through “release;” in line 10; and in lines 11 and 12, strike “and the Community Forensic Aftercare Program”.

On pages 1 and 2, strike beginning with line 23 on page 1 through line 1 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 11, after “(A)” insert “**IN THIS SECTION, “AUTHORIZED AGENT” MEANS AN INDIVIDUAL WHO IS NOT COUNSEL FOR THE COMMITTED PERSON AND WHO IS SELECTED BY THE COMMITTED PERSON TO REPRESENT THE INTERESTS OF THE COMMITTED PERSON IN ALL FORENSIC REVIEW BOARD MATTERS.**

(B) (1)”;

after line 13, insert:

“(2) A FORENSIC REVIEW BOARD MAY MAKE RECOMMENDATIONS RELATING TO THE RELEASE OR REHABILITATION OF A COMMITTED PERSON UNDER THIS SUBTITLE.”;

in lines 14 and 16, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively; in line 16, strike “EACH” and substitute “AT LEAST ONCE PER YEAR, EACH”; in the same line, strike “ANNUALLY”; and after line 29, insert:

“(4) WHEN MAKING A RECOMMENDATION UNDER THIS SECTION, A FORENSIC REVIEW BOARD SHALL CONSIDER A WRITTEN STATEMENT OFFERED BY THE COMMITTED PERSON TO THE FORENSIC REVIEW BOARD.

(5) THE FORENSIC REVIEW BOARD SHALL PROVIDE NOTICE TO A COMMITTED PERSON AND THE COUNSEL OF RECORD FOR THE COMMITTED PERSON:

(I) AT LEAST 10 DAYS BEFORE THE FORENSIC REVIEW BOARD HOLDS A MEETING CONCERNING THE COMMITTED PERSON; AND

(II) WITHIN 10 DAYS AFTER THE FORENSIC REVIEW BOARD ISSUES A RECOMMENDATION TO THE COURT.”.

On page 3, in line 1, strike “(D)” and substitute “(E)”; in lines 6, 11, and 16, in each instance, strike “(C)” and substitute “(D)”; after line 8, insert:

“(F) (1) A COMMITTED PERSON MAY APPOINT AN AUTHORIZED AGENT TO ATTEND THE PORTION OF A FORENSIC REVIEW BOARD MEETING CONCERNING THE COMMITTED PERSON.

(2) AN AUTHORIZED AGENT MAY BE A SOCIAL WORKER OR A NONLEGAL REPRESENTATIVE EMPLOYED BY THE OFFICE OF THE ATTORNEY REPRESENTING THE COMMITTED PERSON.

(3) AN AUTHORIZED AGENT MAY ONLY GIVE AND HEAR ARGUMENTS.

(4) COUNSEL FOR ANY PARTY MAY NOT ATTEND FORENSIC REVIEW BOARD MEETINGS.”;

in lines 9 and 24, strike “(E)” and “(F)”, respectively, and substitute “(G)” and “(H)”, respectively; and after line 30, insert:

“(I) THE COMMITTED PERSON’S TREATMENT TEAM SHALL IMPLEMENT RECOMMENDATIONS, IF ANY, FROM THE FORENSIC REVIEW BOARD AND MAKE ARRANGEMENTS FOR NECESSARY TREATMENT TO REHABILITATE THE COMMITTED PERSON IN ACCORDANCE WITH § 10-706 OF THE HEALTH – GENERAL ARTICLE.

(J) (1) A FORENSIC REVIEW BOARD MAY APPOINT A REPRESENTATIVE TO TESTIFY AS TO THE HEALTH DEPARTMENT’S POSITION AT A RELEASE HEARING.

(2) IF A FORENSIC REVIEW BOARD TAKES A POSITION CONTRARY TO THE POSITION OF THE COMMITTED PERSON’S TREATMENT TEAM, THE REPRESENTATIVE APPOINTED UNDER THIS SUBSECTION MAY NOT BE A MEMBER OF THE COMMITTED PERSON’S TREATMENT TEAM.

(K) THE HEALTH DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.”.

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On pages 4 through 6, strike in their entirety the lines beginning with line 20 on page 4 through line 2 on page 6, inclusive.