

SB0294/523923/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 294
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “request;” insert “providing for disclosure or inspection of a certain record or filing by a certain health occupations board;”.

AMENDMENT NO. 2

On page 1, strike beginning with “On” in line 21 down through “information.” in line 24.

On page 2, in line 1, strike “(b)”; in the same line, strike “(i)”; in the same line, strike “subsection” and substitute “SECTION”; in lines 3, 6, 8, and 12, strike “(ii)”, “(iii)”, “(IV)”, and “(V)”, respectively, and substitute “(2)”, “(3)”, “(4)”, and “(5)”, respectively; after line 13, insert:

“(B) ON MOTION OF THE STATE OR ON REQUEST OF A VICTIM OR WITNESS, DURING A CRIMINAL TRIAL OR A JUVENILE DELINQUENCY ADJUDICATORY HEARING, A COURT MAY PROHIBIT THE RELEASE OF THE ADDRESS OR TELEPHONE NUMBER OF THE VICTIM OR WITNESS UNLESS THE COURT DETERMINES THAT GOOD CAUSE IS SHOWN FOR THE RELEASE OF THE INFORMATION.”;

in line 14, strike “(2)” and substitute “(C)”; in line 21, strike “(3)” and substitute “(D) (1)”; in line 32, strike “(4)” and substitute “(2)”; after line 34, insert:

“(3) (I) 1. A HEALTH OCCUPATIONS BOARD THAT HAS LICENSED OR CERTIFIED THE DEFENDANT OR RESPONDENT MAY PETITION THE COURT TO ORDER THE DISCLOSURE OR ALLOW INSPECTION OF AN UNREDACTED

FILING OR RECORD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE PURPOSE OF INVESTIGATING OR OTHERWISE DISCIPLINING THE DEFENDANT OR RESPONDENT FOR SEXUAL MISCONDUCT IN ACCORDANCE WITH § 1-212 OF THE HEALTH OCCUPATIONS ARTICLE.

2. THE HEALTH OCCUPATIONS BOARD SHALL SERVE NOTICE OF THE PETITION ON EACH PARTY IN THE CASE.

(II) AFTER RECEIVING NOTICE OF A PETITION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE'S ATTORNEY SHALL NOTIFY EACH VICTIM IN THE CASE:

1. THAT A PETITION HAS BEEN FILED TO RELEASE THE VICTIM'S IDENTIFYING INFORMATION TO A HEALTH OCCUPATIONS BOARD FOR THE PURPOSE OF DISCIPLINE AGAINST THE DEFENDANT OR RESPONDENT;

2. OF THE TYPE OF INFORMATION THAT MAY BE RELEASED TO THE BOARD;

3. HOW THE VICTIM MAY OBJECT TO THE DISCLOSURE TO OR INSPECTION OF THE UNREDACTED FILING OR RECORD; AND

4. OF THE SEXUAL ASSAULT CRISIS PROGRAMS CERTIFIED UNDER § 11-923 OF THIS TITLE.

(III) UNLESS A VICTIM IN THE CASE OBJECTS, AN INVESTIGATION OR OTHER DISCIPLINARY ACTION TAKEN BY A HEALTH OCCUPATIONS BOARD AGAINST A DEFENDANT IN ACCORDANCE WITH § 1-212 OF

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THE HEALTH OCCUPATIONS ARTICLE IS GOOD CAUSE TO ALLOW DISCLOSURE OR INSPECTION OF AN UNREDACTED FILING OR RECORD.

(IV) A HEALTH OCCUPATIONS BOARD THAT OBTAINS A FILING OR RECORD UNDER THIS PARAGRAPH MAY NOT PUBLICLY DISCLOSE THE RECORD OR FILING.”.