



**SB0768/233620/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

24 FEB 22  
11:08:19

BY: Senator Lee

(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 768

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 9 down through “minors” in line 10 and substitute “altering the list of offenses for which a person may file a motion to vacate judgement if the person’s participation was a result of being a victim of human trafficking”; and after line 10, insert:

“BY repealing and reenacting, without amendments,  
Article - Courts and Judicial Proceedings  
Section 3-8A-01(a) and (dd)  
Annotated Code of Maryland  
(2020 Replacement Volume and 2021 Supplement)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 3 on page 2, inclusive, and substitute:

“BY repealing and reenacting, with amendments,  
Article - Criminal Procedure  
Section 8-302(a)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2021 Supplement)”.

BY repealing and reenacting, without amendments,  
Article - Criminal Procedure  
Section 8-302(b)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2021 Supplement)”.

On page 2, strike in their entirety lines 9 through 13, inclusive.

AMENDMENT NO. 2

On page 2, after line 16, insert:

“3–8A–01.

(a) In this subtitle the following words have the meanings indicated, unless the context of their use indicates otherwise.

(dd) “Violation” means a violation for which a citation is issued under:

(1) § 5–601 of the Criminal Law Article involving the use or possession of less than 10 grams of marijuana;

(2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(3) § 10–132 of the Criminal Law Article;

(4) § 10–136 of the Criminal Law Article; or

(5) § 26–103 of the Education Article.”.

On page 4, after line 6, insert:

**“(2) “QUALIFYING OFFENSE” HAS THE MEANING STATED IN § 8–302 OF THE CRIMINAL PROCEDURE ARTICLE.”;**

in lines 7 and 9, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; in line 12, strike “DELINQUENT ACT” and substitute “QUALIFYING

OFFENSE OR A VIOLATION"; strike beginning with "STAY" in line 14 down through "TRAFFICKING" in line 21 and substitute ":

(I) MAKE THE DETERMINATION REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION;

(II) STAY ALL PROCEEDINGS UNTIL THE DETERMINATION IS MADE; AND

(III) REFER THE CHILD TO A REGIONAL NAVIGATOR AND NOTIFY THE DEPARTMENT OF HUMAN SERVICES";

strike beginning with "If" in line 22 down through "SERVICES" in line 26 and substitute "THE COURT:

(I) SHALL SCHEDULE A HEARING WITHIN 15 DAYS AFTER A MOTION IS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) MAY, ON GOOD CAUSE SHOWN, EXTEND THE TIME FOR THE HEARING AN ADDITIONAL 15 DAYS.

(3) THE COURT SHALL DETERMINE, BY EVIDENCE PRESENTED ON THE RECORD AND BY A PREPONDERANCE OF THE EVIDENCE, WHETHER THE CHILD:

(I) IS A VICTIM OF SEX TRAFFICKING; AND

(II) COMMITTED THE QUALIFYING OFFENSE OR VIOLATION AS A DIRECT RESULT OF BEING A VICTIM OF SEX TRAFFICKING.

(Over)

(4) THE COURT SHALL DISMISS THE CASE IF THE COURT FINDS THAT THE CHILD:

(I) IS A VICTIM OF SEX TRAFFICKING; AND

(II) COMMITTED THE QUALIFYING OFFENSE OR VIOLATION AS A DIRECT RESULT OF BEING A VICTIM OF SEX TRAFFICKING”.

On page 5, after line 2, insert:

“(4) “VIOLATION” HAS THE MEANING STATED IN § 3–8A–01 OF THE COURTS ARTICLE.”;

in line 5, after the first “OFFENSE” insert “, A VIOLATION,”; and after line 7, insert:

“Article – Criminal Procedure

8–302.

(a) (1) In this section the following words have the meanings indicated.

(2) “Qualifying offense” means:

(i) unnatural or perverted sexual practice under § 3–322 of the Criminal Law Article;

(ii) possessing or administering a controlled dangerous substance under § 5–601 of the Criminal Law Article;

(iii) possessing or purchasing a noncontrolled substance under § 5–618 of the Criminal Law Article;

(iv) possessing or distributing controlled paraphernalia under § 5–620(a)(2) of the Criminal Law Article;

(v) fourth-degree burglary under § 6–205 of the Criminal Law Article;

(vi) malicious destruction of property in the lesser degree under § 6–301(c) of the Criminal Law Article;

(vii) a trespass offense under Title 6, Subtitle 4 of the Criminal Law Article;

(viii) misdemeanor theft under § 7–104 of the Criminal Law Article;

(ix) misdemeanor obtaining property or services by bad check under § 8–103 of the Criminal Law Article;

(x) possession or use of a fraudulent government identification document under § 8–303 of the Criminal Law Article;

(xi) public assistance fraud under § 8–503 of the Criminal Law Article;

(xii) false statement to a law enforcement officer or public official under § 9–501, § 9–502, or § 9–503 of the Criminal Law Article;

(xiii) disturbing the public peace and disorderly conduct under § 10–201 of the Criminal Law Article;

(Over)

(xiv) indecent exposure under § 11–107 of the Criminal Law Article;

(xv) prostitution under § 11–303 of the Criminal Law Article;

(xvi) driving with a suspended registration under § 13–401(h) of the Transportation Article;

(xvii) failure to display registration under § 13–409(b) of the Transportation Article;

(xviii) driving without a license under § 16–101 of the Transportation Article;

(xix) failure to display license to police under § 16–112(c) of the Transportation Article;

(xx) possession of a suspended license under § 16–301(j) of the Transportation Article;

(xxi) driving while privilege is canceled, suspended, refused, or revoked under § 16–303 of the Transportation Article;

(xxii) owner failure to maintain security on a vehicle under § 17–104(b) of the Transportation Article;

(xxiii) driving while uninsured under § 17–107 of the Transportation Article; [or]

(xxiv) prostitution or loitering as prohibited under local law;

(XXV) UNAUTHORIZED USE UNDER § 14-102 OF THE  
TRANSPORTATION ARTICLE; OR

(XXVI) SOLICITING OR OFFERING TO SOLICIT PROSTITUTION  
OR ASSIGNATION UNDER § 11-306 OF THE CRIMINAL LAW ARTICLE.

(3) “Victim of human trafficking” means a person who has been  
subjected to an act of another committed in violation of:

(i) Title 3, Subtitle 11 of the Criminal Law Article; or

(ii) § 1589, § 1590, § 1591, or § 1594(a) of Title 18 of the United  
States Code.

(b) A person convicted of a qualifying offense may file a motion to vacate the  
judgment if the person’s participation in the offense was a direct result of being a victim  
of human trafficking.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 8 on page  
5 through line 9 on page 6, inclusive.

On pages 6 through 9, strike in their entirety the lines beginning with line 16 on  
page 6 through line 13 on page 9, inclusive.