

SB0281/613928/1

BY: Delegate Impallaria

AMENDMENTS TO SENATE BILL 281
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 2, after “violence;” insert “requiring the court to notify a certain defendant of certain consequences under certain circumstances;”.

On page 3, in line 40, after “date;” insert “providing that a certain offense may only be considered a conviction for certain purposes if the offense occurred on or after a certain date;”.

On page 4, after line 6, insert:

“BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6-220(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 15, after line 29, insert:

“Article – Criminal Procedure

6–220.

(b) (1) When a defendant pleads guilty or nolo contendere or is found guilty of a crime, a court may stay the entering of judgment, defer further proceedings, and place the defendant on probation subject to reasonable conditions if:

(Over)

(i) the court finds that the best interests of the defendant and the public welfare would be served; and

(ii) the defendant gives written consent after determination of guilt or acceptance of a nolo contendere plea.

(2) Subject to paragraphs (3) and (4) of this subsection, the conditions may include an order that the defendant:

(i) pay a fine or monetary penalty to the State or make restitution; or

(ii) participate in a rehabilitation program, the parks program, or a voluntary hospital program.

(3) Before the court orders a fine, monetary penalty, or restitution, the defendant is entitled to notice and a hearing to determine the amount of the fine, monetary penalty, or restitution, what payment will be required, and how payment will be made.

(4) Any fine or monetary penalty imposed as a condition of probation shall be within the amount set by law for a violation resulting in conviction.

(5) As a condition of probation, the court may order a person to a term of custodial confinement or imprisonment.

(6) BEFORE GRANTING A STAY AND ENTERING A JUDGMENT UNDER THIS SECTION FOR AN OFFENSE THAT WOULD RESULT IN THE DEFENDANT BEING CONSIDERED TO BE CONVICTED OF A DISQUALIFYING CRIME UNDER § 5-101 OF THE PUBLIC SAFETY ARTICLE, THE COURT SHALL NOTIFY

THE DEFENDANT OF THE CONSEQUENCES RELATING TO FIREARM POSSESSION
OF CONSENTING TO AND RECEIVING A STAY OF ENTRY OF JUDGMENT.”.

On page 60, after line 12, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That a person who receives a probation before judgment for an offense may only be considered to have been convicted of a disqualifying crime for purposes of Title 5, Subtitle 1 of the Public Safety Article if the offense occurs on or after October 1, 2013.”;

and line 13, strike “3.” and substitute “4.”.