

HB0543/432617/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 543

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “authorizing” and substitute “requiring”; in line 15, strike “requiring” and substitute “authorizing”; in line 16, after “circumstances;” insert “providing for the construction of this Act;”; in the same line, strike “a”; in the same line, strike “term” and substitute “terms”; and in line 20, strike “11-1105” and substitute “11-1106”.

AMENDMENT NO. 2

On page 2, in line 3, before “**IN**” insert “**(A)**”; in the same line, strike the comma and substitute “**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**”

**(B) “DOMESTIC VIOLENCE” MEANS ABUSE OCCURRING BETWEEN:**

**(1) CURRENT OR FORMER SPOUSES OR COHABITANTS;**

**(2) PERSONS WHO HAVE A CHILD IN COMMON; OR**

**(3) PERSONS CURRENTLY OR FORMERLY INVOLVED IN A DATING RELATIONSHIP.**

**(C)**;

in line 3, strike “**ELIGIBLE**” and substitute “**ELIGIBLE**”; in line 4, before the first “**IS**” insert “**IS AT LEAST 18 YEARS OLD;**”

**(2)**;

(Over)

in the same line, after “NOT” insert “:

(1)”;

in line 5, after the semicolon insert “OR

(II) A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE OR § 3-602 OF THE CRIMINAL LAW ARTICLE;”;

in line 6, strike “(2)” and substitute “(3)”; and in line 7, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 3

On page 2, in line 10, strike “MAY” and substitute “SHALL”; strike beginning with “AN” in line 16 down through “(B)” in line 19; in line 19, strike “RECOMMEND TO” and substitute “REQUEST”; in the same line, strike “THAT” and substitute “TO DIVERT”; in line 20, strike “BE DIVERTED”; and strike in their entirety lines 22 through 24, inclusive, and substitute:

“(B) THE STATE’S ATTORNEY SHALL INFORM THE VICTIM OR VICTIM’S REPRESENTATIVE ABOUT THE VICTIM-OFFENDER MEDIATION PROGRAM, THE RIGHT TO RESTITUTION, AND THE ABILITY TO SEEK A NO CONTACT ORDER.”

AMENDMENT NO. 4

On page 2, in line 26, strike “A” and substitute “IF A VICTIM OR VICTIM’S REPRESENTATIVE AND ELIGIBLE DEFENDANT REACH AN AGREEMENT, A”.

On page 3, strike beginning with “AFTER” in line 1 down through “PROGRAM” in line 4 and substitute “THE COURT FINDS THAT THE VICTIM OR THE VICTIM’S

REPRESENTATIVE AND ELIGIBLE DEFENDANT HAVE KNOWINGLY AND VOLUNTARILY CONSENTED TO THE MEDIATION AGREEMENT"; in line 5, after "THE" insert "ELIGIBLE"; in line 6, strike "AND"; in line 7, strike "BINDING"; in line 8, after "SUBTITLE" insert ";

(III) AGREES TO ANY OTHER TERMS THAT THE COURT SETS FOR THE CHARGE TO BE MARKED "STET BY VICTIM-OFFENDER MEDIATION" ON THE DOCKET; AND

(IV) PAYS THE COSTS THAT WOULD HAVE BEEN ASSESSED UNDER § 7-409 OF THE COURTS ARTICLE IF THE DEFENDANT WOULD HAVE BEEN FOUND GUILTY OF THE CHARGE, UNLESS THE DEFENDANT IS UNABLE TO PAY BY REASON OF INDIGENCY";

strike beginning with "RATIFIED" in line 12 down through "APPROVE" in line 13 and substitute "INCORPORATED BUT NOT MERGED INTO AN ORDER OF THE COURT, IF THE STATE'S ATTORNEY HAS RATIFIED"; in line 13, after "AGREEMENT" insert "AND THE COURT HAS APPROVED"; in line 14, after "AGREEMENT" insert "OR COURT ORDER IMPOSING ADDITIONAL SEPARATE REQUIREMENTS ON THE ELIGIBLE DEFENDANT AS A CONDITION OF MARKING THE CHARGE "STET BY VICTIM-OFFENDER MEDIATION""; in line 18, after "RESTITUTION" insert "OR OTHER AMOUNTS"; strike beginning with "THAT" in line 22 down through "CHARGED" in line 23 and substitute "AGREED TO BY THE VICTIM OR VICTIM'S REPRESENTATIVE AND ELIGIBLE DEFENDANT"; in line 24, strike "APPROVES" and substitute ", VICTIM OR VICTIM'S REPRESENTATIVE, AND ELIGIBLE DEFENDANT APPROVE"; in the same line, after "EXTENSION" insert "OR REDUCTION"; in line 25, strike "VALID" and substitute "ENFORCEABLE"; in the same line, strike "1 YEAR" and substitute "3 YEARS"; and in line 26, strike "MEDIATION AGREEMENT IS RATIFIED" and substitute "CASE IS MARKED "STET" ON THE DOCKET".

AMENDMENT NO. 5

On page 4, strike beginning with “AN” in line 1 down through “PROGRAM” in line 2 and substitute “A MEDIATION HAS BEEN APPROVED BY THE COURT”; in line 4, after “STET” insert “BY VICTIM-OFFENDER MEDIATION”; strike beginning with the colon in line 12 down through “(2)” in line 15; strike beginning with “(1)” in line 21 down through “(2)” in line 26; in line 26, strike “SHALL” and substitute “MAY”; and strike beginning with “AN” in line 27 down through the second “PROGRAM” in line 28 and substitute “A COURT COST SUFFICIENT TO COVER ANY COSTS OF THE MEDIATION”.

AMENDMENT NO. 6

On page 4, after line 28, insert:

“11-1106.

THIS SUBTITLE DOES NOT LIMIT THE ABILITY OF A STATE’S ATTORNEY’S OFFICE TO:

(1) REFER A MATTER TO A COMMUNITY MEDIATION MODEL PROGRAM AS DEVELOPED BY COMMUNITY MEDIATION MARYLAND OR THE COMMUNITY CONFERENCING CENTER; OR

(2) FILE A PRETRIAL MOTION TO COMPROMISE A CHARGE OF ASSAULT UNDER § 3-207 OF THE CRIMINAL LAW ARTICLE.”.