

BY: Senator Gladden

AMENDMENTS TO SENATE BILL NO. 188

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Teitelbaum” and substitute “Teitelbaum, and Gladden”; and in line 26, before “providing” insert “requiring the court, a juvenile intake officer, or a District Court commissioner under certain circumstances to provide certain witnesses certain protection;”.

On page 2, in line 22, after “4-202(b)” insert “, 11-902, and 11-903”; and after line 24, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 11-203

Annotated Code of Maryland

(2001 Volume and 2004 Supplement)”.

AMENDMENT NO. 2

On page 6, after line 13, insert:

“11-203.

(A) As provided under § 5-201 of this article or § 3-8A-15 of the Courts Article, the court, a juvenile intake officer, or a District Court commissioner shall consider:

(1) the safety of the alleged victim in setting conditions of:

(i) the pretrial release of a defendant; or

(ii) the prehearing release of a child respondent who is alleged to have

(Over)

committed a delinquent act; and

(2) a condition of no contact with the alleged victim or the alleged victim's premises or place of employment.

(B) (1) A FINDING UNDER THIS SUBSECTION MAY BE BASED ON ANY RELEVANT EVIDENCE INCLUDING CREDIBLE HEARSAY.

(2) IF THE COURT, A JUVENILE INTAKE OFFICER, OR A DISTRICT COURT COMMISSIONER FINDS THAT A DEFENDANT HAS MADE AN ATTEMPT TO INTIMIDATE A VICTIM OR WITNESS, IN ADDITION TO ANY OTHER REMEDY, THE COURT, JUVENILE INTAKE OFFICER, OR DISTRICT COURT COMMISSIONER MAY ORDER, UNDER THIS SECTION OR § 9-304 OF THE CRIMINAL LAW ARTICLE, A LOCAL LAW ENFORCEMENT AGENCY TO PROVIDE SUBSTANTIAL AND SUFFICIENT PROTECTION FOR THE VICTIM OR WITNESS, INCLUDING OUT-OF-STATE RELOCATION, UNDER SUBTITLE 9 OF THIS TITLE.

11-902.

There is a Victim and Witness Protection and Relocation Program.

11-903.

The State's Attorneys' Coordinator shall carry out the Program in accordance with regulations that the State's Attorneys' Coordination Council adopts under Article 10, § 41D of the Code."