

HB1001/138477/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1001
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 7 and 12, in each instance, strike “court” and substitute “Department of Public Safety and Correctional Services”; and in line 8, strike “owned by the person or”.

On page 2, after line 8, insert:

“BY repealing and reenacting, without amendments,
Article - Criminal Procedure
Section 6-233
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO.2

On page 4, in line 14, after “A” insert “FELONY OR CONVICTED OF A”; in line 15, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 17, after “2” insert “BUSINESS”; strike beginning with “OF” in line 17 down through “CRIME” in line 18; and in lines 19 and 24, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”.

On page 6, in line 8, after “A” insert “FELONY OR CONVICTED OF A”; in line 9, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 11, after “2” insert “BUSINESS”; strike beginning with “OF” in line 11 down through “CRIME” in line 12; in lines 13 and 18, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”; and after line 21, insert:

“6-233.

(Over)

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(a) In this section, “domestically related crime” means a crime committed by a defendant against a victim who is a person eligible for relief, as defined in § 4–501 of the Family Law Article, or who had a sexual relationship with the defendant within 12 months before the commission of the crime.

(b) (1) If a defendant is convicted of or receives a probation before judgment disposition for a crime, on request of the State’s Attorney, the court shall make a finding of fact, based on evidence produced at trial, as to whether the crime is a domestically related crime.

(2) The State has the burden of proving by a preponderance of the evidence that the crime is a domestically related crime.

(c) If the court finds that the crime is a domestically related crime under subsection (b) of this section, that finding shall become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository under § 10–215 of this article.”.

On page 7, strike in their entirety lines 8 and 9; in lines 10 and 12, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively; after line 15, insert:

“(4) “DOMESTICALLY RELATED CRIME” HAS THE MEANING STATED IN § 6–233 OF THIS SUBTITLE.”;

strike in their entirety lines 16 through 22, inclusive, and substitute:

“(B) (1) THE COURT SHALL INFORM A PERSON CONVICTED OF A FELONY OR A DISQUALIFYING CRIME THAT IS A DOMESTICALLY RELATED CRIME THAT THE PERSON IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5–133 OF THE PUBLIC SAFETY ARTICLE.

(2) THE COURT SHALL INFORM A PERSON CONVICTED OF A DOMESTICALLY RELATED CRIME THAT IS A DISQUALIFYING CRIME THAT THE PERSON IS PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE.”;

in line 32, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; and in line 33, strike “OWNED BY THE PERSON OR”.

On page 8, in line 3, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A”; in line 4, after “2” insert “BUSINESS”; in line 5, strike “OF A DISQUALIFYING CRIME” and substitute “OR ENTRY OF PROBATION BEFORE JUDGMENT”; after line 10, insert:

“(III) A PERSON WHO IS PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE RIFLE OR SHOTGUN WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:

1. A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL;
2. A FEDERALLY LICENSED FIREARMS DEALER; OR
3. ANOTHER PERSON WHO:
 - A. IS NOT PROHIBITED FROM POSSESSING THE FIREARM UNDER STATE AND FEDERAL LAW; AND
 - B. DOES NOT LIVE IN THE SAME RESIDENCE.”;

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in line 30, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; strike beginning with “OWNED” in line 30 down through “OR” in line 31; and in line 32, strike “OWN OR”.

On page 9, in line 1, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; in lines 1 and 2, in each instance, strike “OWN OR”; after line 5, insert:

“(F) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL DEVELOP PROCEDURES FOR THE COLLECTION OF THE FILING REQUIRED UNDER SUBSECTION (D)(1) OF THIS SECTION.”;

in line 10, after “A” insert “FELONY OR CONVICTED OF A”; in line 11, strike “OR THAT PERSON’S REPRESENTATIVE” and substitute “AS DEFINED IN § 5-101 OF THIS SUBTITLE”; in line 13, after “2” insert “BUSINESS”; strike beginning with “OF” in line 13 down through “CRIME” in line 14; and in lines 15 and 20, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”.

On page 10, in line 4, after “A” insert “FELONY OR CONVICTED OF A”; in lines 5 and 6, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 8, after “2” insert “BUSINESS”; strike beginning with “OF” in line 8 down through “CRIME” in line 9; and in lines 10 and 15, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”.