

HB0595/182017/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 595

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “admissibility” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 9, strike “A” and substitute “SUBJECT TO PROVISIONS OF SUBSECTION (C) OF THIS SECTION, A”; and after line 21, insert:

“(C) (1) IF THE STATE DECIDES TO OFFER A REPORT DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION WITHOUT THE TESTIMONY OF A REPRESENTATIVE OF THE APPROVED SERVICE PROVIDER, THE STATE SHALL, AT LEAST 30 DAYS BEFORE THE COURT PROCEEDING, NOTIFY THE DEFENDANT OR THE DEFENDANT’S ATTORNEY IN WRITING OF THE STATE’S INTENTION AND DELIVER TO THE DEFENDANT OR THE DEFENDANT’S ATTORNEY A COPY OF THE REPORT.

(2) IF THE DEFENDANT WANTS THE REPRESENTATIVE OF THE APPROVED SERVICE PROVIDER TO BE PRESENT AND TESTIFY IN THE COURT PROCEEDING, THE DEFENDANT SHALL NOTIFY THE COURT AND THE STATE IN WRITING NOT LATER THAN 20 DAYS BEFORE THE DATE OF THE PROCEEDING.

(3) IF THE TIMELY AND PROPER NOTICE DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION IS PROVIDED BY THE DEFENDANT, THE REPORT IS INADMISSIBLE WITHOUT THE TESTIMONY OF THE REPRESENTATIVE OF THE APPROVED SERVICE PROVIDER.

(Over)

**(4) THE DEFENDANT'S FAILURE TO PROVIDE THE TIMELY AND PROPER NOTICE DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION CONSTITUTES A WAIVER OF THE DEFENDANT'S RIGHT TO THE PRESENCE AND TESTIMONY OF THE REPRESENTATIVE OF THE APPROVED SERVICE PROVIDER."**