

HB0782/102512/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 782

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “motion;” insert “requiring that a certain motion be served on a certain State’s Attorney; requiring that a certain motion be mailed to a certain victim or victim’s representative at a certain address under certain circumstances; authorizing the court to grant a certain motion under certain circumstances; requiring the court to take certain factors into consideration when making a certain finding; requiring the court to grant a certain motion without a hearing under certain circumstances;”.

AMENDMENT NO. 2

On page 4, in line 4, strike “PROXIMATE” and substitute “DIRECT”; in line 9, strike “and”; in line 10, strike “provide” and substitute “INCLUDE”; in line 11, after “section” insert “;

**(4) BE SERVED ON THE STATE’S ATTORNEY IN THE JURISDICTION WHERE THE CONVICTION FOR THE QUALIFYING OFFENSE OCCURRED; AND**

**(5) IF THE QUALIFYING OFFENSE OCCURRED WITHIN 5 YEARS BEFORE THE FILING OF THE MOTION, BE MAILED TO ANY VICTIM OR VICTIM’S REPRESENTATIVE AT THE VICTIM’S OR VICTIM’S REPRESENTATIVE’S LAST KNOWN ADDRESS**”;

strike beginning with “Except” in line 12 down through “section” in line 14 and substitute “AFTER A HEARING, THE COURT MAY GRANT A MOTION FILED UNDER THIS SECTION ON A FINDING BASED ON A PREPONDERANCE OF THE EVIDENCE

(Over)

THAT THE MOVANT COMMITTED THE QUALIFYING OFFENSE AS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING.

(2) WHEN MAKING A FINDING UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER:

(I) THE LENGTH OF TIME BETWEEN THE OFFENSE AND THE TRAFFICKING OF THE MOVANT;

(II) THE DYNAMICS OF THE RELATIONSHIP BETWEEN THE MOVANT AND THE PERSON COMMITTING TRAFFICKING AGAINST THE MOVANT;  
AND

(III) ANY OTHER RELEVANT EVIDENCE.

(E) THE COURT SHALL GRANT A MOTION FILED UNDER THIS SECTION WITHOUT A HEARING IF:

(1) THE STATE'S ATTORNEY CONSENTS TO THE MOTION;

(2) NO OBJECTION TO THE RELIEF REQUESTED HAS BEEN FILED BY A VICTIM OR VICTIM'S REPRESENTATIVE; AND

(3) AT LEAST 60 DAYS HAVE ELAPSED SINCE NOTICE AND SERVICE UNDER SUBSECTION (C) OF THIS SECTION";

in line 15, strike "(2)" and substitute "**(F)**"; in the same line, after "motion" insert "**FILED UNDER THIS SECTION**"; in lines 17, 18, and 20, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively; and in lines 22, 26, and

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28, strike “**(E)**”, “**(F)**”, and “**(G)**”, respectively, and substitute “**(G)**”, “**(H)**”, and “**(I)**”, respectively.