

HB0614/613525/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 614
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “immediately”; in line 4, after “court” insert “within a certain amount of time”; in line 5, strike “been missing for a certain amount of time” and substitute “violated a condition of home detention monitoring”; in line 6, strike “immediately”; in line 7, after “Probation” insert “within a certain amount of time”; in line 8, strike “has been missing for a certain amount of time” and substitute “violated a condition of home detention monitoring; authorizing the Secretary of Public Safety and Correctional Services to impose certain civil penalties for failure to give notice as required by this Act”; and in line 10, strike “establishing the Workgroup on Home Detention Monitoring;”.

AMENDMENT NO. 2

On page 2, in line 11, strike “**(I)** Upon” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON**”; in line 13, strike “been missing for 24 hours” and substitute “**VIOLATED A CONDITION OF HOME DETENTION MONITORING**”; in line 14, strike “**IMMEDIATELY**” and substitute “**WITHIN 24 HOURS:**

(I)”;

strike beginning with the period in line 16 down through “**1.**” in line 20 and substitute “**; AND**

(II)”;

in line 20, after "AGENCY" insert ", AS DETERMINED BY THE COURT,"; strike beginning with the semicolon in line 21 down through "BUSINESS" in line 23; strike in their entirety lines 24 through 28, inclusive; after line 28, insert:

"(2) ON DETERMINING THAT A DEFENDANT SUBJECT TO PRIVATE HOME DETENTION MONITORING UNDER THE PROVISIONS OF § 5-201(B) OF THE CRIMINAL PROCEDURE ARTICLE HAS TAMPERED WITH HOME DETENTION MONITORING EQUIPMENT OR FAILED TO MAINTAIN HOME DETENTION MONITORING EQUIPMENT AS REQUIRED BY A COURT ORDER, THE PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING THE DEFENDANT SHALL NOTIFY WITHIN 1 HOUR:

(I) THE COURT THAT ORDERED PRIVATE HOME DETENTION MONITORING AS A CONDITION OF THE DEFENDANT'S PRETRIAL RELEASE; AND

(II) THE DESIGNATED LAW ENFORCEMENT AGENCY, AS DETERMINED BY THE COURT, IN BALTIMORE CITY OR THE COUNTY WHERE THE COURT IS LOCATED.

(3) ON DETERMINING THAT A DEFENDANT SUBJECT TO PRIVATE HOME DETENTION MONITORING UNDER THE PROVISIONS OF § 5-201(B) OF THE CRIMINAL PROCEDURE ARTICLE HAS ENTERED AN AREA THAT THE DEFENDANT IS EXPRESSLY PROHIBITED FROM ENTERING AS A CONDITION OF PRETRIAL RELEASE, THE PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING THE DEFENDANT SHALL NOTIFY IMMEDIATELY:

(I) THE COURT THAT ORDERED PRIVATE HOME DETENTION MONITORING AS A CONDITION OF THE DEFENDANT'S PRETRIAL RELEASE; AND

(II) THE DESIGNATED LAW ENFORCEMENT AGENCY, AS DETERMINED BY THE COURT, IN BALTIMORE CITY OR THE COUNTY WHERE THE COURT IS LOCATED.”;

in line 29, strike “Upon” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON”; in line 30, strike “been missing for 24 hours” and substitute “VIOLATED A CONDITION OF HOME DETENTION MONITORING”; in line 32, strike “IMMEDIATELY” and substitute “WITHIN 24 HOURS”; and after line 32, insert:

“(2) ON DETERMINING THAT AN INDIVIDUAL WHO IS SUBJECT TO PRIVATE HOME DETENTION MONITORING AS A CONDITION OF PROBATION HAS TAMPERED WITH HOME DETENTION MONITORING EQUIPMENT, OR FAILED TO MAINTAIN HOME DETENTION MONITORING EQUIPMENT AS REQUIRED BY A COURT ORDER, THE PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING THE INDIVIDUAL SHALL NOTIFY WITHIN 1 HOUR THE DIVISION OF PAROLE AND PROBATION.

(3) ON DETERMINING THAT AN INDIVIDUAL WHO IS SUBJECT TO PRIVATE HOME DETENTION MONITORING AS A CONDITION OF PROBATION HAS ENTERED AN AREA THAT THE INDIVIDUAL IS EXPRESSLY PROHIBITED FROM ENTERING AS A CONDITION OF PRETRIAL RELEASE, THE PRIVATE HOME DETENTION MONITORING AGENCY RESPONSIBLE FOR MONITORING THE INDIVIDUAL SHALL NOTIFY IMMEDIATELY THE DIVISION OF PAROLE AND PROBATION.”.

AMENDMENT NO. 3

On page 2, before line 33, insert:

“(D) (1) A PRIVATE HOME DETENTION MONITORING AGENCY MAY NOT KNOWINGLY FAIL TO GIVE NOTICE AS REQUIRED BY THIS SECTION.

(2) THE SECRETARY MAY IMPOSE A CIVIL PENALTY ON A PRIVATE HOME DETENTION MONITORING AGENCY FOR A VIOLATION OF THIS SUBSECTION THAT DOES NOT EXCEED:

(I) \$1,000 FOR THE FIRST DAY FOR WHICH THE PRIVATE HOME DETENTION MONITORING AGENCY FAILS TO GIVE NOTICE; AND

(II) \$250 FOR EACH SUBSEQUENT DAY THE PRIVATE HOME DETENTION MONITORING AGENCY FAILS TO GIVE NOTICE.”

AMENDMENT NO. 4

On pages 3 through 5, strike in their entirety the lines beginning with line 30 on page 3 through line 16 on page 5, inclusive.

On page 5, in line 17, strike “3.” and substitute “2.”; and strike beginning with “Section” in line 18 down through “effect.” in line 20.