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HOUSE FLOOR AMENDMENTS

2017 Regular Session

Amendments proposed by Representative Magee to Engrossed House Bill No. 249 by Representative Magee

1 AMENDMENT NO. 1

2 On page 1, line 3, after "and (D)," delete the remainder of the line, delete lines 4 and 5 in
3 their entirety and insert the following:

4 "888, 894.4, 895.1(A)(1) and (2)(a) and (E), and 895.5(C) and to enact Code
5 of Criminal Procedure Article 875.1,"

6 AMENDMENT NO. 2

7 On page 2, delete lines 3 and 4 in their entirety and insert the following:

8 "(D), 888, 894.4, 895.1(A)(1) and (2)(a) and (E), and 895.5(C) are hereby
9 amended and reenacted and Code of Criminal Procedure Article 875.1 is"

10 AMENDMENT NO. 3

11 On page 2, at the beginning of line 5, delete "886(C) are"

12 AMENDMENT NO. 4

13 On page 3, line 23, after "or" delete the remainder of the line

14 AMENDMENT NO. 5

15 On page 6, delete lines 1 through 23 in their entirety

16 AMENDMENT NO. 6

17 On page 8, line 9, after "fine" delete the remainder of the line and delete lines 10 and 11 in
18 their entirety

19 AMENDMENT NO. 7

20 On page 8, at the beginning of line 12, delete "to the defendant or his dependents"

21 AMENDMENT NO. 8

22 On page 8, delete lines 16 through 19 in their entirety

23 AMENDMENT NO. 9

24 On page 8, at the beginning of line 20, insert "E."

25 AMENDMENT NO. 10

26 On page 8, delete lines 27 through 29 in their entirety

1 AMENDMENT NO. 11

2 Delete pages 9 and 10 in their entirety

3 AMENDMENT NO. 12

4 On page 11, delete lines 1 through 10 in their entirety

5 AMENDMENT NO. 13

6 On page 11, delete lines 16 through 19 in their entirety and insert the following:

7 "require compliance with court-ordered payments, including filing a petition
8 for revocation of probation, filing a petition to show cause for contempt of
9 court, or institution of any other civil or criminal proceedings which may be
10 authorized by law or by rule of court. In addition, the district attorney may
11 issue appropriate notices"

12 AMENDMENT NO. 14

13 On page 11, delete lines 24 through 28 in their entirety and insert the following:

14 "(2) If a court authorizes a payment plan to collect financial
15 obligations associated with a criminal case and the defendant fails to make
16 a payment, the court shall serve the defendant with a citation for a rule to
17 show cause why the defendant should not be found in contempt of court for
18 failure to comply with the payment plan. This citation shall include the
19 following notice:

20 "If you make a payment toward the above listed fines and
21 fees on or before _____, you will not have to come
22 to court for this matter.

23 IMPORTANT NOTICE REGARDING THE HEARING ON
24 THE RULE TO SHOW CAUSE FOR PROOF OF
25 SATISFACTION OF FINANCIAL OBLIGATION:

26 (a) At the rule to show cause hearing, the court will
27 evaluate your ability to pay the fines and fees listed above.

28 (b) You are ordered to bring any documentation or
29 information that you want the court to consider in
30 determining your ability to pay.

31 (c) Your failure to make a payment toward the
32 ordered financial obligation may result in your incarceration
33 only if the court finds, after a hearing, that you had the ability
34 to pay and willfully refused to do so.

35 (d) You have the right to be represented by counsel
36 (attorney/lawyer) of your choice. If you cannot afford
37 counsel, you have the right to be represented by a court-
38 appointed lawyer at no cost to you. However, you must apply
39 for a court-appointed lawyer at least seven (7) days before
40 this court date by going to the public defender's office. There
41 is a forty-dollar (\$40) application fee.

42 (e) If you are unable to make a payment toward the
43 ordered financial obligation, you may request payment
44 alternatives including but not limited to community service,
45 a reduction of the amount owed, or both.

46 (f) During the hearing, you will have a meaningful
47 opportunity to explain why you have not paid the above-listed
48 amounts by presenting evidence and testimony."

49 (3) If after the hearing provided for by Subparagraph (2) of this
50 Paragraph, the court continues to authorize a payment plan, the defendant

1 shall be served with the same notice provided for in Subparagraph (2) of this
2 Paragraph regarding the consequences and due process for the willful failure
3 to pay."

4 AMENDMENT NO. 15

5 On page 12, delete lines 1 through 6 in their entirety

6 AMENDMENT NO. 16

7 On page 12, delete lines 20 and 21 and on line 22, change "Section 4" to "Section 3"