

SB0100/113522/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 100
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “purposes” insert “; requiring a court to make a finding as to whether a certain crime is organized retail theft under certain circumstances for a certain purpose”.

AMENDMENT NO. 2

On page 3, after line 23, insert:

“(E) (1) (I) IF A DEFENDANT IS CONVICTED OF OR RECEIVES A PROBATION BEFORE JUDGMENT DISPOSITION FOR THEFT UNDER § 7-104 OF THIS SUBTITLE, BURGLARY UNDER § 6-203 OR § 6-205 OF THIS ARTICLE, ROBBERY UNDER § 3-402 OR § 3-403 OF THIS ARTICLE, OR USE OF A FIREARM IN THE COMMISSION OF A CRIME OF VIOLENCE OR A FELONY UNDER § 4-204 OF THIS ARTICLE, 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 ORGANIZED RETAIL THEFT.

(II) THE STATE HAS THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT THE CRIME IS ORGANIZED RETAIL THEFT.

(2) IF THE COURT FINDS THAT THE CRIME IS ORGANIZED RETAIL THEFT UNDER PARAGRAPH (1) OF THIS SUBSECTION, 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.”.