

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 265
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line strike “**and Smith**” and substitute “**Smith, and Waldstreicher**”; in line 14, strike “(e)(1)” and substitute “(e)”; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On page 1, in line 11, after “made;” insert “providing that the entry of a probation agreement under this Act shall be considered as a probation before judgment for all other purposes under State law;”.

AMENDMENT NO. 3

On page 2, in line 1, strike “When” and substitute “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WHEN**”; in line 11, strike “**IS FOUND GUILTY OF A CRIME**” and substitute “**THE COURT FINDS FACTS JUSTIFYING A FINDING OF GUILT**”; on page 2, after line 8, insert:

“(2) WHEN A COURT FINDS FACTS JUSTIFYING A FINDING OF GUILT, THE COURT MAY STAY THE ENTERING OF JUDGMENT, DEFER FURTHER PROCEEDINGS, AND PLACE THE DEFENDANT ON PROBATION SUBJECT TO REASONABLE CONDITIONS ONLY IF THE STATE’S ATTORNEY CONSENTS.”;

on page 2, in line 9, strike “(2)” and substitute “**(3)**”; and in line 25, strike “**(3)**” and substitute “**(4)**”.

On page 3, after line 21, insert:

**“(V) THE CONSENT OF A DEFENDANT TO AND THE RECEIPT BY
THE DEFENDANT OF A DISPOSITION UNDER THIS PARAGRAPH SHALL BE
CONSIDERED AS A PROBATION BEFORE JUDGMENT FOR ALL OTHER PURPOSES
UNDER STATE LAW.”;**

in line 22, strike “of entering”; in the same line, after “the” insert “**COURT ENTERING
A FINDING OR**”; in line 23, strike the brackets; in the same line, strike “**(B)(1) AND
(2)**”; in line 24, after the second “the” insert “**FINDING OR**”; and in line 26, after the
second “of” insert “**A FINDING OF GUILT OR A**”.