

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2540

(Reference to printed bill)

1 Page 1, line 39, strike "FELONY" insert "MISDEMEANOR"

2 Page 2, between lines 26 and 27, insert:

3 "F. NOTWITHSTANDING SUBSECTION B, PARAGRAPH 1 OF THIS SECTION AND
4 UNTIL THE COURT ACTUALLY ENTERS AN ORDER DESIGNATING AN OFFENSE AS A FELONY
5 OR MISDEMEANOR, THE OFFENSE SHALL BE TREATED AS A FELONY CONVICTION FOR ALL
6 OF THE FOLLOWING PURPOSES:

7 1. PLACING THE DEFENDANT ON FELONY PROBATION PURSUANT TO CHAPTER 9
8 OF THIS TITLE, INCLUDING FOR THE PURPOSES OF TITLE 31, CHAPTER 3, ARTICLE
9 4.1.

10 2. COLLECTING DNA PURSUANT TO SECTION 13-610.

11 3. DETERMINING THE DEFENDANT'S RIGHT TO POSSESS A FIREARM PURSUANT
12 TO CHAPTER 31 OF THIS TITLE.

13 4. BEING USED AS A HISTORICAL PRIOR FELONY CONVICTION.

14 5. BEING ADMISSIBLE FOR IMPEACHMENT PURPOSES IN A SUBSEQUENT TRIAL.

15 6. BEING USED TO ENHANCE THE SENTENCE PURSUANT TO CHAPTER 7 OF THIS
16 TITLE.

17 G. THE COURT SHALL DESIGNATE AN UNDESIGNATED OFFENSE AS A
18 MISDEMEANOR ON THE DEFENDANT'S SUCCESSFUL FULFILLMENT OF THE CONDITIONS OF

1 PROBATION AND DISCHARGE BY THE COURT. THE DEFENDANT SUCCESSFULLY FULFILLS
2 THE CONDITIONS OF PROBATION IF, IN THE DISCRETION OF THE COURT, THE
3 DEFENDANT HAS SATISFIED THE CONDITIONS OF PROBATION. THIS SUBSECTION
4 APPLIES TO A DEFENDANT WHO OWES ANY OUTSTANDING MONETARY OBLIGATION UNLESS
5 THE DEFENDANT OWES VICTIM RESTITUTION OR HAS WILFULLY FAILED TO PAY THE
6 MONETARY OBLIGATION."

7 Reletter to conform

8 Amend title to conform

NEAL CARTER

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