

February 9, 2004

Madam President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 401

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 2, line 1, strike the comma and strike all of lines 2 and 3 up to the semicolon.

2. On page 3, lines 2 through 4, strike Paragraph (2) in its entirety and insert in lieu thereof:

"(2) if the monitoring device records activity visually, such recording shall include a record of the date and time;".

3. On page 3, line 18, strike "a copy shall be provided to the program" and insert in lieu thereof "shall be made accessible to the program".

4. On page 3, line 20, after "install" insert ", operate and maintain".

5. On page 4, line 6, strike "waiver of immunity" and insert in lieu thereof "release of liability".

6. On page 5, line 9, after "a" insert "complete" and after "civil" insert "or criminal".

7. On page 5, line 10, before "against" insert "brought", after "patient" insert a comma and strike "or" and after "surrogate" strike the remainder of the line and insert in lieu thereof "or facility for the use or presence of a monitoring device.".

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8. On page 5, lines 17 and 18, strike "provided to the agency" and insert in lieu thereof "kept by the facility and shall be made accessible to the program".

9. On page 5, line 19, strike "Notice" and insert in lieu thereof "The facility" and strike "be posted" and insert in lieu thereof "post a notice".

10. On page 6, line 2, after "facility" insert "or be otherwise discriminated against or retaliated against".

11. On page 1, line 23, after "1978" insert a comma and "other than an intermediate care facility for the mentally retarded,".

Respectfully submitted,

\_\_\_\_\_  
Michael S. Sanchez, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 1 Against

Yes: 9

No: McSorley

Excused: None

Absent: None

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