

Chapter 369

**(Senate Bill 583)**

AN ACT concerning

**DNA Evidence – Postconviction Review**

FOR the purpose of expanding the group of persons who may file a certain petition for postconviction DNA testing or a database or log search; clarifying what scientific identification evidence the State is required to preserve under certain circumstances; and generally relating to postconviction review of DNA evidence.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 8–201(b) and (j)(1)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 8–201(j)(2)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Criminal Procedure**

8–201.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a [violation of § 2–201, § 2–204, § 2–207, or §§ 3–303 through 3–306 of the] **CRIME OF VIOLENCE UNDER § 14–101 OF THE** Criminal Law Article may file a petition:

(1) for DNA testing of scientific identification evidence that the State possesses ~~as provided in subsection (j) of this section and~~ that is related to the judgment of conviction; or

(2) for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of physical evidence used for DNA testing.

(j) (1) The State shall preserve scientific identification evidence that:

(i) the State has reason to know contains DNA material; and

(ii) is secured in connection with [an offense described in subsection (b) of this section] **A VIOLATION OF § 2-201, § 2-204, § 2-207, OR § 3-303 THROUGH § 3-306 OF THE CRIMINAL LAW ARTICLE.**

(2) The State shall preserve scientific identification evidence described in paragraph (1) of this subsection for the time of the sentence, including any consecutive sentence imposed in connection with the offense.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**