

HB1096/692311/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1096
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wilkins” and substitute “Wilkins, Palakovich Carr, Lopez, Grammer, Bartlett, Crutchfield, McComas, Pippy, Arikan, Cox, Anderson, Hartman, and Malone”; strike beginning with “given” in line 5 down through “commitment” in line 6 and substitute “informed that the victim may initiate a criminal complaint under certain circumstances; authorizing the termination or discontinuance of testing of a sexual assault evidence collection kit under certain circumstances”; in line 10, strike “within a certain number of days of receipt” and substitute “in a timely manner”; in line 12, after “(CODIS);” insert “requiring a forensic laboratory to report to the Maryland Sexual Assault Evidence Kit Policy and Funding Committee annually regarding the duration necessary to complete testing of sexual assault evidence collection kits; prohibiting a certain use of a certain victim’s DNA under certain circumstances;”; and in line 15, after “date;” insert “providing for a delayed effective date for certain provisions of this Act;”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 25 and 26; in lines 27 and 29, strike “**(4)**” and “**(5)**”, respectively, and substitute “**(3)**” and “**(4)**”, respectively; in line 29, strike “**IS CONTAINED**” and substitute “**HAS BEEN COLLECTED FOR ENTRY AS A CONVICTED OFFENDER FOR A QUALIFYING OFFENSE**”; in lines 31 and 32, strike “**ADMITTED TO CONSENSUAL SEX WITH THE VICTIM DURING THE INCIDENT**” and substitute “**HAS PLEADED GUILTY TO THE OFFENSE**”; and in line 32, strike “**FORENSIC EXAMINATION**” and substitute “**SEXUAL ASSAULT EVIDENCE COLLECTION KIT**”.

On page 4, strike beginning with “**A**” in line 1 down through “**ACTION**” in line 4 and substitute:

(Over)

“(1) IF A VICTIM OF SEXUAL ASSAULT WISHES TO REMAIN ANONYMOUS AND NOT FILE A CRIMINAL COMPLAINT, THE VICTIM SHALL BE INFORMED THAT THE VICTIM MAY FILE A CRIMINAL COMPLAINT AT A FUTURE TIME.

“(2) IF A PROVISION OF SUBSECTION (E) OF THIS SECTION IS DETERMINED TO BE SATISFIED AFTER THE SUBMISSION OF THE VICTIM’S SEXUAL ASSAULT EVIDENCE COLLECTION KIT FOR ANALYSIS, TESTING MAY BE TERMINATED OR NOT INITIATED”.

On page 4, in lines 8, 9, and 15, in each instance, after “KIT” insert “AND ALL REQUESTED ASSOCIATED REFERENCE STANDARDS”; in line 14, after “(H)” insert “(1)”; in line 16, strike “WITHIN 150 DAYS OF RECEIPT” and substitute “IN A TIMELY MANNER”; after line 16, insert:

“(2) FORENSIC LABORATORIES SHALL REPORT ANNUALLY TO THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE REGARDING THE DURATION REQUIRED TO COMPLETE TESTING, BEGINNING WITH RECEIPT OF THE KIT UNTIL A REPORT IS PREPARED, OF EACH SEXUAL ASSAULT EVIDENCE COLLECTION KIT.”;

in line 17, after “(I)” insert “(1)”; and after line 18, insert:

“(2) THE DNA COLLECTED FROM A VICTIM UNDER THIS SECTION MAY NOT BE USED FOR ANY PURPOSE EXCEPT AS AUTHORIZED BY THIS SECTION.”.

AMENDMENT NO. 3

On page 5, in line 17, strike “January 1, 2020.” and substitute “December 1, 2019.”

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2020.”;

in line 18, strike “3.” and substitute “4.”; in the same line, after “That” insert “, except as provided in Section 3 of this Act.”; and in line 19, strike “October 1, 2019” and substitute “June 1, 2019”.