

**SB0767/638172/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 767  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, 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; providing that the failure to take certain actions in a timely manner may not constitute the basis for excluding certain evidence”; 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”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 22 and 23; in lines 24 and 26, strike “**(4)**” and “**(5)**”, respectively, and substitute “**(3)**” and “**(4)**”, respectively; in line 26, strike “**IS CONTAINED**” and substitute “**HAS BEEN COLLECTED FOR ENTRY AS A CONVICTED OFFENDER FOR A QUALIFYING OFFENSE**”; in lines 28 and 29, strike “**ADMITTED TO CONSENSUAL SEX WITH THE VICTIM DURING THE INCIDENT**” and substitute “**HAS PLEADED GUILTY TO THE OFFENSE**”; and in line 29, strike “**FORENSIC EXAMINATION**” and substitute “**SEXUAL ASSAULT EVIDENCE COLLECTION KIT**”.

On pages 3 and 4, strike beginning with “**A**” in line 30 on page 3 down through “**ACTION**” in line 1 on page 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 5, 6, and 12, in each instance, after “KIT” insert “AND ALL REQUESTED ASSOCIATED REFERENCE STANDARDS”; in line 11, after “(H)” insert “(1)(I)”; in line 13, strike “WITHIN 150 DAYS OF RECEIPT” and substitute “IN A TIMELY MANNER”; after line 13, insert:

“(II) FAILURE TO COMPLETE THE SCREENING, TESTING, AND ANALYSIS IN A TIMELY MANNER AS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT CONSTITUTE THE BASIS FOR EXCLUDING THE ANALYSIS OR RESULTS AS EVIDENCE IN A CRIMINAL PROCEEDING.

“(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 14, after “(I)” insert “(1)”; and after line 15, insert:

**SB0767/638172/1 Judicial Proceedings Committee**  
**Amendments to SB 767**  
**Page 3 of 3**

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

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