

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 694

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “DNA”; in line 3, strike “Postconviction Review” and substitute “New Trial Motions and Storage”; and strike beginning with “authorizing” in line 14 down through “testing” in line 22 and substitute “allowing certain criminal defendants to file certain motions concerning scientific identification evidence under certain circumstances”.

On pages 1 and 2, strike beginning with “authorizing” in line 26 on page 1 down through “testing” in line 1 on page 2 and substitute “motions for new trials based on and storage”.

On page 2, in line 4, strike “DNA”; in line 5, strike “Postconviction Review” and substitute “Motions for New Trials and Storage”; in line 12, strike “DNA”; and in line 13, strike “POSTCONVICTION REVIEW” and substitute “MOTIONS FOR NEW TRIALS AND STORAGE”.

AMENDMENT NO. 2

On page 3, in line 8, after “(3)” insert “(I)”; in lines 9 and 11, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 11, strike “ACTUAL OR CONSTRUCTIVE”; in line 12, strike “SUBSECTION (I)” and substitute “SUBSECTION (D)”; in line 13, strike “(III) CONTAINS DNA THAT” and substitute “3. IF SUBJECT TO TESTING THAT IS GENERALLY ACCEPTED AS RELIABLE BY THE RELEVANT SCIENTIFIC COMMUNITY,”; in line 15, strike “DNA”; after line 15, insert: “(II) “SCIENTIFIC IDENTIFICATION EVIDENCE” INCLUDES DNA EVIDENCE OBTAINED IN ACCORDANCE WITH THE STANDARDS UNDER § 10-915 OF THE COURTS ARTICLE.”.

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 16 on page 3 through line 24 on page 4, inclusive, and substitute:

(Over)

“(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN A CASE IN WHICH A DEFENDANT HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 643B OF THE CODE, A COURT MAY GRANT A NEW TRIAL OR OTHER APPROPRIATE RELIEF IF THE GROUNDS FOR RELIEF ARE BASED ON SCIENTIFIC IDENTIFICATION EVIDENCE TESTING THE RESULTS OF WHICH COULD SHOW THAT THE DEFENDANT WAS WRONGLY CONVICTED OR SENTENCED.”.

On page 4, in line 25, strike “(G)” and substitute “(C)”; in lines 26 and 28, in each instance, strike “PETITIONER” and substitute “DEFENDANT”; in line 26, strike “DNA TESTING ORDERED UNDER THIS SECTION” and substitute “SCIENTIFIC IDENTIFICATION EVIDENCE TESTING”; and strike beginning with “DNA” in line 27 down through “SECTION” in line 28 and substitute “SCIENTIFIC IDENTIFICATION EVIDENCE TESTING”.

AMENDMENT NO. 4

On pages 4 and 5, strike in their entirety the lines beginning with line 30 on page 4 through line 25 on page 5, inclusive, and substitute:

“(D) (1) THIS SUBSECTION APPLIES TO CONVICTIONS UNDER ARTICLE 27, §§ 387, 407, 408, 409, 410, 411, 462, 463(A)(1), 464, 464A(A)(1), AND 464B(A)(1) OF THE CODE.

(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE STATE SHALL PRESERVE ALL EVIDENCE OBTAINED IN CONNECTION WITH A CONVICTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FOR AS LONG AS THE DEFENDANT IS INCARCERATED FOR THE CRIME.

(3) THE STATE SHALL MAKE EVIDENCE AVAILABLE TO A DEFENDANT UNDER TERMS THAT ARE MUTUALLY AGREED BETWEEN THE STATE AND DEFENDANT.

(4) IF THE STATE AND THE DEFENDANT ARE UNABLE TO AGREE ON TERMS FOR INSPECTION OR TESTING OF THE EVIDENCE, THE DEFENDANT MAY FILE A MOTION IN THE COURT THAT ENTERED THE CONVICTION REQUESTING THE COURT TO ORDER APPROPRIATE TERMS FOR INSPECTION OR TESTING OF EVIDENCE.”; in line 26, strike “(J)” and substitute “(E)”; strike beginning with “SCIENTIFIC” in line 26 down through “SECTION” in line 28 and substitute “EVIDENCE IN A CASE DESCRIBED

IN SUBSECTION (D) OF THIS SECTION"; strike beginning with "PERSON" in line 30 down through "CASE;" in line 31 and substitute "DEFENDANT; AND"; and strike beginning with "PERSON" in line 32 down through "ENTERED" in line 35 and substitute "DEFENDANT".

On page 6, in lines 1, 12, 16, and 25 and 26, in each instance, strike "SCIENTIFIC IDENTIFICATION".

AMENDMENT NO. 5

On page 6, in line 29, strike "DNA and other scientific" and substitute "scientific identification evidence"; and in lines 31 and 32, in each instance, strike "scientific identification".