

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 486

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “- Preservation” in line 2 down through “Evidence” in line 3; strike beginning with “altering” in line 17 down through “Act” in line 20 and substitute “altering the period of time during which the State must preserve certain evidence; making stylistic changes; altering certain time periods and procedures relating to DNA samples and tests; providing for a certain contingency; limiting certain funding for a certain time; providing that the Department of State Police is not required to obtain DNA samples and conduct testing for a certain time if certain funding is not received under certain circumstances; making provisions of this Act severable”; and in lines 20 and 21, strike “, the preservation of scientific identification evidence.”.

AMENDMENT NO. 2

On page 2, strike beginning with “SAMPLE,” in line 31 down through “SALIVA,” in line 32; in line 33, after “FELONY” insert “OR A VIOLATION OF § 6-205 OR § 6-206 OF THE CRIMINAL LAW ARTICLE”; and in line 34, strike “SAMPLE, INCLUDING BLOOD OR SALIVA,”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 5 and 6 and substitute:

“(D) A SECOND DNA SAMPLE MAY BE TAKEN IF NEEDED TO OBTAIN SUFFICIENT DNA FOR THE STATE DATABASE OR IF ORDERED BY THE COURT FOR GOOD CAUSE SHOWN.”.

On page 5, in line 33, strike “180” and substitute “183”; and in the same line, strike “, including at least one external blind test.”.

On page 6, strike in their entirety lines 3 and 4 and substitute:

(Over)

“2. UNDER THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR CONVICTED OFFENDER’S DNA DATA BASING AND FORENSIC DNA TESTING LABORATORIES.”.

On page 7, in line 22, strike “a blood” and substitute “AN ADDITIONAL DNA”; strike beginning with the colon in line 29 down through “(I)” in line 30; strike beginning with “; OR” in line 31 down through “APPEAL” in line 32; and strike beginning with “FOR” in line 33 down through “SUBSECTION” in line 34.

AMENDMENT NO. 4

On page 8, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

AMENDMENT NO. 5

On page 9, in line 1, after “MONEY” insert “:

(I) APPROPRIATED IN THE STATE BUDGET; AND

(II) RECEIVED FROM”;

in line 2, strike “GRANTED BY”; after line 30, insert:

“(F) THE AID DISTRIBUTED UNDER THIS SECTION SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, OTHER STATE AND LOCAL DNA TECHNOLOGY FUNDING FOR DNA TECHNOLOGY.”;

and in lines 31 and 36, strike “(F)” and “(G)”, respectively, and substitute “(G)” and “(H)”, respectively.

AMENDMENT NO. 6

On page 10, strike beginning with the first “THE” in line 8 down through “SECURED” in line 10 and substitute “THE TIME OF THE SENTENCE, INCLUDING ANY CONSECUTIVE SENTENCE IMPOSED IN CONNECTION WITH THE OFFENSE”;

and in line 21, strike "2." and substitute "3.".

AMENDMENT NO. 7

On pages 10 and 11, strike in their entirety the lines beginning with line 28 on page 10 through line 11 on page 11, inclusive.

On page 11, after line 11, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act:

(1) may not be funded during the period October 1, 2002 through September 30, 2003 with State general funds; and

(2) is contingent on the receipt by the Department of State Police of at least \$1,500,000 or a binding written award of a grant from any private entity or federal agency of at least \$1,500,000 to be used to implement the provisions of Section 1 of this Act during the period beginning October 1, 2002 through September 30, 2003.

(b) If the Department of State Police does not receive \$1,500,000 or a binding written award on or before September 30, 2003, as provided in this Section, Section 1 of this Act shall take effect October 1, 2003. If the Department of State Police receives funding or a binding written award on or before September 30, 2003, Section 1 of this Act shall take effect on the date the Department receives funding or a binding written award. The Department shall forward notice of the receipt of the funds or a copy of the written award within 5 days of receipt to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 5. AND BE IT FURTHER ENACTED, That for fiscal year 2004, no more than \$200,000 from State general funds may be appropriated to the DNA Technology Fund.

SECTION 6. AND BE IT FURTHER ENACTED, That for fiscal years 2004 and 2005, the Department of State Police is not required to obtain or test DNA samples from all convicted felons

(Over)

and persons convicted of a violation of § 6-205 or § 6-206 of the Criminal Law Article unless the Department receives funding in fiscal years 2004 and 2005 from the State, the federal government, or any private person to carry out the required sampling and testing. The Department of State Police, in fiscal years 2004 and 2005, shall obtain and test DNA samples from individuals convicted of child abuse involving sexual abuse under § 3-601 of the Criminal Law Article, rape in any degree, sexual offense in the first, second, or third degree, murder, robbery under § 3-402 or § 3-403 of the Criminal Law Article, first degree assault, and attempts to commit these offenses.

SECTION 7. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 8. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect October 1, 2002.”.