

HOUSE BILL 326

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2003 Regular Session
3r0900
CF 3r0899

By: **Delegate Doory (By Request - Baltimore City Administration)**

Introduced and read first time: February 3, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **DNA Testing and Technology Fund - Extension**

3 FOR the purpose of extending the termination date of the DNA Technology Fund;
4 repealing certain obsolete provisions; and generally relating to the DNA
5 Technology Fund.

6 BY repealing

7 Chapter 465 of the Acts of the General Assembly of 2002

8 Section 4

9 BY repealing and reenacting, with amendments,

10 Chapter 465 of the Acts of the General Assembly of 2002

11 Section 5

12

Preamble

13 WHEREAS, Technology in genetic and evidentiary testing has evolved so that
14 more attention has been given to DNA identification testing as a law enforcement
15 tool, used to establish either guilt or innocence of suspected or convicted offenders,
16 and to assist in the identification of human remains and missing persons; and

17 WHEREAS, The statewide DNA repository located in the Crime Laboratory
18 Division of the Department of State Police needs to be maintained so that DNA
19 identification samples may be stored and are readily accessible for testing and
20 disseminating information to federal, State, or local enforcement agencies, crime
21 laboratories, and State's Attorney's offices; and

22 WHEREAS, Chapter 465 of the Acts of 2002 required all persons convicted of
23 any felony and specified misdemeanors to submit a DNA sample to the State's DNA
24 repository, established a special grant fund relating to DNA technology equipment,
25 and altered the time period for preserving scientific identification evidence to the
26 length of the convicted person's sentence; and

27 WHEREAS, Section 4 of Chapter 465 of the Acts of 2002 made the Act
28 contingent on the receipt by the Department of State Police by September 1, 2002, of

1 a binding written award of at least \$1,500,000 to implement the provisions of the Act;
2 and

3 WHEREAS, The Department of State Police received a binding written award of
4 a grant from the U.S. Department of Justice of \$5,048,669, thus satisfying the
5 contingency in Section 4 of Chapter 465 of the Acts of 2002; now, therefore,

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

8 **Chapter 465 of the Acts of 2002**

9 [SECTION 4. AND BE IT FURTHER ENACTED, That this Act is contingent on
10 the receipt by the Department of State Police of a binding written award of a grant
11 from any private entity or federal agency by September 1, 2002, of at least \$1,500,000
12 to be used to implement the provisions of this Act during the period between October
13 1, 2002 and September 30, 2003. If the Department of State Police does not receive a
14 binding written award by September 1, 2002 as provided in this Section, this Act,
15 with no further action required by the General Assembly, shall be null and void and of
16 no force and effect. If the Department of State Police receives a binding written award
17 by September 1, 2002, the Department shall forward a copy of the written award
18 within 5 days of receipt to the Department of Legislative Services, 90 State Circle,
19 Annapolis, Maryland 21401.]

20 SECTION 5. AND BE IT FURTHER ENACTED, That[, subject to Section 4 of
21 this Act,] this Act shall take effect October 1, 2002. It shall remain effective for a
22 period of [1 year] 4 YEARS and, at the end of September 30, [2003] 2006, with no
23 further action required by the General Assembly, this Act shall be abrogated and of no
24 further force and effect.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2003.