

HOUSE BILL 1000

E2

5lr1605
CF SB 583

By: **Delegates Rosenberg, Anderson, Carter, Moon, and Smith**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 9, 2015

CHAPTER _____

1 AN ACT concerning

2 **DNA Evidence – Postconviction Review**

3 FOR the purpose of expanding the group of persons who may file a certain petition for
4 postconviction DNA testing or a database or log search; clarifying what scientific
5 identification evidence the State is required to preserve under certain circumstances;
6 and generally relating to postconviction review of DNA evidence.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 8–201(b) and (j)(1)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2014 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Procedure
14 Section 8–201(j)(2)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2014 Supplement)

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

19 **Article – Criminal Procedure**

20 8–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) Notwithstanding any other law governing postconviction relief, a person who
 2 is convicted of a [violation of § 2-201, § 2-204, § 2-207, or §§ 3-303 through 3-306 of the]
 3 **CRIME OF VIOLENCE UNDER § 14-101 OF THE** Criminal Law Article may file a petition:

4 (1) for DNA testing of scientific identification evidence that the State
 5 possesses ~~as provided in subsection (j) of this section~~ and that is related to the judgment of
 6 conviction; or

7 (2) for a search by a law enforcement agency of a law enforcement data
 8 base or log for the purpose of identifying the source of physical evidence used for DNA
 9 testing.

10 (j) (1) The State shall preserve scientific identification evidence that:

11 (i) the State has reason to know contains DNA material; and

12 (ii) is secured in connection with [an offense described in subsection
 13 (b) of this section] A VIOLATION OF § 2-201, § 2-204, § 2-207, OR § 3-303 THROUGH §
 14 3-306 OF THE CRIMINAL LAW ARTICLE.

15 (2) The State shall preserve scientific identification evidence described in
 16 paragraph (1) of this subsection for the time of the sentence, including any consecutive
 17 sentence imposed in connection with the offense.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.