

HB0255/882716/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 255
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “kit;” insert “requiring a hospital or child advocacy center to transfer a sexual assault evidence collection kit to a law enforcement agency within a certain amount of time; requiring a government agency to transfer a sexual assault evidence collection kit to a law enforcement agency, except under certain circumstances;”; in line 7, strike “, government agency, or health care provider”; in line 10, after “assault” insert “except under certain circumstances”; in line 11, strike “government agency, or health care provider;”; and in line 14, after “regulations;” insert “defining certain terms;”.

AMENDMENT NO. 2

On page 2, after line 2, insert:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHILD ADVOCACY CENTER” HAS THE MEANING STATED IN § 13-2201 OF THE HEALTH – GENERAL ARTICLE.

(3) “HOSPITAL” HAS THE MEANING STATED IN § 19-301 OF THE HEALTH – GENERAL ARTICLE.;

in line 3, strike “(a)” and substitute “**(B)**”; in line 10, strike “(b)” and substitute “**(C)**”; strike in their entirety lines 16 through 19, inclusive, and substitute:

(Over)

“(D) (1) A SEXUAL ASSAULT EVIDENCE COLLECTION KIT SHALL BE TRANSFERRED TO A LAW ENFORCEMENT AGENCY:

(I) BY A HOSPITAL OR A CHILD ADVOCACY CENTER WITHIN 30 DAYS AFTER THE EXAM IS PERFORMED; OR

(II) BY A GOVERNMENT AGENCY IN POSSESSION OF A KIT, UNLESS THE AGENCY IS OTHERWISE REQUIRED TO RETAIN THE KIT BY LAW OR COURT RULE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WITHIN 20 YEARS AFTER THE EVIDENCE IS COLLECTED, A LAW ENFORCEMENT AGENCY MAY NOT DESTROY OR DISPOSE OF:

(I) A SEXUAL ASSAULT EVIDENCE COLLECTION KIT; OR

(II) OTHER CRIME SCENE EVIDENCE RELATING TO A SEXUAL ASSAULT THAT HAS BEEN IDENTIFIED BY THE STATE’S ATTORNEY AS RELEVANT TO PROSECUTION.

(3) A LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO COMPLY WITH THE REQUIREMENTS IN PARAGRAPH (2) OF THIS SUBSECTION IF:

(I) THE CASE FOR WHICH THE EVIDENCE WAS COLLECTED RESULTED IN A CONVICTION AND THE SENTENCE HAS BEEN COMPLETED; OR

(II) ALL SUSPECTS IDENTIFIED BY TESTING A SEXUAL ASSAULT EVIDENCE COLLECTION KIT ARE DECEASED.”;

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in line 20, strike “**(2)**” and substitute “**(4)**”; strike beginning with the second comma in line 21 down through “**PROVIDER**” in line 22; in line 27, after “**EVIDENCE**” insert “**FOR 12 MONTHS**”; in line 28, strike “**(1)**” and substitute “**(2)**”; in the same line, after “**SUBSECTION**” insert “**OR FOR A TIME PERIOD AGREED TO BY THE VICTIM AND THE LAW ENFORCEMENT AGENCY**”; and in line 29, strike “**(D)**” and substitute “**(E)**”.