

SB0349/998279/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 349
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Zirkin” and substitute “Senators Zirkin, Kelley, Brochin, Cassilly, Hough, Lee, Muse, Norman, Ramirez, Ready, and Smith”.

AMENDMENT NO. 2

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. 3

On page 1, after line 24, 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.

(Over)

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AMENDMENT NO. 4

On page 2, in line 1, strike “(a)” and substitute “**(B)**”; in line 8, strike “(b)” and substitute “**(C)**”; strike in their entirety lines 14 through 17, inclusive, and substitute:

“(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.;

in line 18, strike “**(2)**” and substitute “**(4)**”; strike beginning with the second comma in line 19 down through “**PROVIDER**” in line 20; in line 25, after “**EVIDENCE**” insert “**FOR 12 MONTHS**”; in line 26, 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 27, strike “**(D)**” and substitute “**(E)**”.