

HB0758/403528/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 758

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Bartlett**” and substitute “**Delegates Bartlett and Cardin**”.

AMENDMENT NO. 2

On page 1, strike beginning with “authorizing” in line 4 down through “circumstances” in line 6 and substitute “requiring sexual assault evidence collection kits collected before a certain date to be retained and transferred in a certain manner; requiring the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, on or before a certain date, to make a report on certain recommendations, in consultation with the Consumer Protection Division of the Office of the Attorney General”.

AMENDMENT NO. 3

On page 1, strike in their entirety lines 20 through 22, inclusive.

On page 2, strike in their entirety lines 1 and 2; in line 3, strike “**(4)**” and substitute “**(3)**”; after line 4 insert:

“(4) “QUALIFIED HEALTH CARE PROVIDER” HAS THE MEANING STATED IN § 11-1007 OF THIS ARTICLE.”;

in line 7, after “A” insert “**QUALIFIED**”; in line 10, strike “**IN RELATION TO**” and substitute “**FOLLOWING**”; in line 13, strike “**FOR USE IN A CRIMINAL INVESTIGATION**”; in line 15, strike “**PHYSICAL EVIDENCE COLLECTED BEFORE JANUARY 1, 1975**” and substitute “**A SELF-ADMINISTERED SEXUAL ASSAULT**”

EVIDENCE COLLECTION KIT"; in line 16, after "A" insert "QUALIFIED"; and in line 28, after "kit" insert "OR A SELF-ADMINISTERED SEXUAL ASSAULT EVIDENCE COLLECTION KIT".

On page 3, in lines 6 and 7 and 25, in each instance, strike ", HEALTH CARE PROVIDER, OR HOSPITAL"; in line 18, strike ", A HEALTH CARE PROVIDER, OR A HOSPITAL"; in lines 26 and 27, strike "FOR A SEXUAL ASSAULT EVIDENCE COLLECTION KIT IN THE CUSTODY OF A LAW ENFORCEMENT AGENCY, THE"; in lines 26, 29, and 31, in each instance, strike the brackets; and in lines 26, 29, and 31, strike "(1)", "(I)", and "(II)", respectively.

On page 4, in lines 1 and 3, in each instance, strike the brackets; in lines 1 and 3, strike "(III)" and "(IV)", respectively; and strike in their entirety lines 7 through 22, inclusive.

On page 5, strike in their entirety lines 21 through 31, inclusive; and in line 32, strike "(K)" and substitute "(j)".

AMENDMENT NO. 4

On page 6, after line 3, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) A sexual assault evidence collection kit collected before January 1, 2000, and stored by a hospital or child advocacy center shall be:

(1) retained consistent with the requirements of § 11-926(d) of the Criminal Procedure Article, as enacted by Section 1 of this Act; and

(2) transferred to a law enforcement agency for testing within 30 days after being identified as a sexual assault evidence collection kit, or as directed by the Maryland Sexual Assault Evidence Kit Policy and Funding Committee.

(b) On or before December 1, 2023, the Maryland Sexual Assault Evidence Kit Policy and Funding Committee shall issue a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly making recommendations for:

(1) guidelines for the transfer of sexual assault evidence collection kits collected before January 1, 2000, to be transferred to law enforcement agencies for testing;

(2) guidance on the use of self-administered sexual assault evidence collection kits; and

(3) in consultation with the Consumer Protection Division of the Office of the Attorney General, educating consumers about use of self-administered sexual assault evidence collection kits, including information regarding the kits' admissibility in a criminal prosecution and identifying other resources for victims of sexual assault.”;

and in line 4, strike “3.” and substitute “4.”.