

HB1047/403621/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 1047
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Bartlett**” and substitute “**Delegates Bartlett, Arikan, Simpson, Conaway, and Williams**”; in lines 4 and 5, in each instance, strike “a sexual crime” and substitute “sexually assaultive behavior”; in line 5, strike the first “evidence” and substitute “information”; and in line 10, after “fund” insert “; prohibiting the limitation or waiver of certain rights and warranties on certain products used to collect evidence of a sexual assault”.

On page 2, after line 5, insert:

“BY adding to

Article - Criminal Procedure

Section 11-926(j)

Annotated Code of Maryland

(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 11-926(j)

Annotated Code of Maryland

(2018 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 4, in line 3, after “**ENTITIES**” insert “**AND HIGHER EDUCATION INSTITUTIONS AND COLLEGES**”.

On page 5, strike in their entirety lines 7 through 13, inclusive, and substitute:

“(A) IN THIS SECTION, “SEXUALLY ASSAULTIVE BEHAVIOR” HAS THE MEANING STATED IN § 10-923 OF THIS SUBTITLE.”;

in line 14, strike “**EVIDENCE**” and substitute “**INFORMATION**”; and in lines 14 and 18, in each instance, strike “**A SEXUAL CRIME**” and substitute “**SEXUALLY ASSAULTIVE BEHAVIOR**”.

AMENDMENT NO. 3

On page 5, after line 20, insert:

“Article – Criminal Procedure

11-926.

(J) (1) ANY AGREEMENT, CONDITION OF ACCESS OR USE, OR POLICY THAT LIMITS OR WAIVES ANY SUBSTANTIVE OR PROCEDURAL RIGHT OR REMEDY TO A CLAIM AGAINST ANY PERSON WHO PROVIDES A VICTIM OR ANOTHER PERSON WITH ANY SERVICE, PRODUCT, INFORMATION, OR OTHER MEANS TO COLLECT EVIDENCE OF A SEXUAL ASSAULT IS NULL AND VOID AS BEING AGAINST THE PUBLIC POLICY OF THE STATE.

(2) ANY DISCLAIMER OF ANY WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NONINFRINGEMENT REGARDING ANY SERVICE, PRODUCT, INFORMATION, OR OTHER MEANS TO COLLECT EVIDENCE OF A SEXUAL ASSAULT IS NULL AND VOID AS BEING AGAINST THE PUBLIC POLICY OF THE STATE.

[(j)] (K) The Attorney General shall adopt regulations for uniform statewide implementation of this section.”.