

vetoed House Bill 575 – Criminal Procedure – DNA – Postconviction Review and Felony Convictions.

This bill expands the definition of “law enforcement agency” to include additional agencies, clarifies the definition of “biological evidence”, clarifies the definition of “scientific identification evidence”, clarifies under what circumstances a court may order DNA testing, requires a court to make specified orders to specified law enforcement agencies when it orders DNA testing, and authorizes a court to make specified orders regarding DNA testing when it orders DNA testing.

Senate Bill 363, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 575.

Sincerely,
Robert L. Ehrlich, Jr.
Governor

House Bill No. 575

AN ACT concerning

Criminal Procedure – DNA Evidence – Postconviction Review and Felony Convictions

FOR the purpose of expanding the definition of “law enforcement agency” to include certain additional agencies; clarifying the definition of “biological evidence”; clarifying the definition of “scientific identification evidence”; clarifying under what circumstances a court may order DNA testing; requiring a court to make certain orders to certain law enforcement agencies when it orders DNA testing; authorizing a court to make certain orders regarding DNA testing when it orders DNA testing; requiring a court to hold certain hearings regarding the disposition of certain evidence under certain circumstances; authorizing appeals to be taken from certain court decisions made pursuant to ~~this section~~ certain provisions of law; requiring the collection of DNA samples from certain persons; identifying where DNA samples shall be collected; requiring the Director of the State Police Crime Laboratory to provide for liaison with certain criminal justice agencies relating to the State’s participation in certain DNA data bases; providing for the admissibility of certain evidence; altering and repealing certain definitions; repealing a certain abrogation provision termination date; and generally relating to ~~postconviction reviews conducted by courts in the matter of~~ DNA testing.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 8–201
Annotated Code of Maryland
(2001 Volume and 2002 Supplement)

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