

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2857

"AN ACT CONCERNING THE STATUTE OF LIMITATION FOR PROSECUTIONS BASED
ON DEOXYRIBONUCLEIC ACID EVIDENCE AND POST-CONVICTION APPEALS
BASED ON DEOXYRIBONUCLEIC ACID AND OTHER SCIENTIFIC EVIDENCE."

Amendment No. _____ to House Bill No. 2857.

Amend House Bill No. 2857 as engrossed, H3/30/05 (version: 03-30-2005 08:54):

Page 1, delete lines 33 through 36, and substitute the following:

"(j) In a case in which deoxyribonucleic acid testing implicates a person previously identified through a search of the State DNA Data Base or National DNA Index System, no statute of limitation that would otherwise preclude prosecution of the offense shall preclude the prosecution until a period of time following the implication of the person by deoxyribonucleic acid testing has elapsed that is equal to the otherwise applicable limitation period."

AND

Page 2, delete lines 1 through 3

AND

Page 2, line 6, delete "Appeals" and substitute "Appeals Writ of Habeas Corpus"

AND

Page 3, delete line 26, and substitute the following:

"of the conviction of an offense being challenged under § 16-

AND

Page 3, delete lines 32 and 33, and substitute the following:

"testing of the evidence in a court proceeding commenced on or after the effective date of this subdivision (2)(A); or"

AND



Page 4, line 15, delete "appealed" and substitute "challenged"

AND

Page 4, line 17, delete "appealed" and substitute "challenged"

AND

Page 4, line 19, delete "appealed" and substitute "challenged"

AND

Page 5, delete lines 14 and 15, and substitute the following:

"in a manifest injustice;

(iv) That a new method of technology that is substantially more probative than prior testing is available; or

(v) Of good cause."

AND

Page 6, line 14, delete "Post Prison Transfer" and substitute "Parole"

AND

Page 6, delete lines 16 through 20, and substitute the following:

"(d) In any prosecution of a person for perjury or other conduct resulting from a proceeding under this subchapter, upon conviction or a plea of guilty or nolo contendere the court shall sentence the person to a term of imprisonment that shall run consecutively to any other term of imprisonment the person is serving."

The Amendment was read _____

By: Representative Verkamp
GRH/GRH - 04-05-2005 09:51
GRH414

Chief Clerk