

SB0949/363521/1

BY: Senator King

AMENDMENTS TO SENATE BILL 949, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judiciary Committee Amendments (SB0949/653622/1), in Amendment No. 1, strike beginning with “providing” in line 2 down through “regulations;” in line 5; and strike beginning with “BY” in line 7 down through “Act” in line 12.

On page 1 of the bill, in lines 4 and 5 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 of the bill, before line 6, 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 pages 1 through 4 of the Judiciary Committee Amendments, in Amendment No. 2, strike beginning with “SECTION” in line 2 on page 1 down through “section.” in line 4 on page 4.

On page 4 of the Judiciary Committee Amendments, in line 5, strike “2.”; in the same line, strike “5.”; and in line 9, strike “, except as provided in Section 4 of this Act.”.

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

On page 5 of the bill, 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”; in lines 14 and 18, in each instance, strike “A SEXUAL CRIME” and substitute “SEXUALLY ASSAULTIVE BEHAVIOR”; and 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.

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