

SENATE BILL 932

E4, E1

0lr3467
CF 0lr3466

By: **Senator Hayes (By Request – Baltimore City Administration)**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – DNA Collection – Criminal Offenses Relating to Firearms**

3 FOR the purpose of requiring the collection of a DNA sample from a certain individual
4 convicted of or charged with certain criminal offenses in accordance with certain
5 regulations; and generally relating to DNA collection for criminal offenses.

6 BY repealing and reenacting, without amendments,
7 Article – Criminal Law
8 Section 4–203(a) and 4–303(a)
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2019 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 2–504
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Criminal Law**

19 4–203.

20 (a) (1) Except as provided in subsection (b) of this section, a person may not:

21 (i) wear, carry, or transport a handgun, whether concealed or open,
22 on or about the person;

23 (ii) wear, carry, or knowingly transport a handgun, whether

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

4–303.

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport an assault weapon into the State; or

(2) possess, sell, offer to sell, transfer, purchase, or receive an assault weapon.

Article – Public Safety

2–504.

(a) (1) In accordance with regulations adopted under this subtitle, an individual who is convicted of a felony or a violation of **§ 4–203, § 4–303, § 6–205, or § 6–206** of the Criminal Law Article shall:

(i) have a DNA sample collected either at the time of sentence or on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or

(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.

(2) An individual who was convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.

(3) (i) In accordance with regulations adopted under this subtitle, a DNA sample shall be collected from an individual who is charged with:

1. a crime of violence or an attempt to commit a crime of violence; [or]

2. burglary or an attempt to commit burglary;

1 **3. WEARING, CARRYING, OR TRANSPORTING A**
2 **HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON UNDER §**
3 **4-203 OF THE CRIMINAL LAW ARTICLE;**

4 **4. POSSESSION, SALE, TRANSFER, PURCHASE, OR**
5 **RECEIVING OF AN ASSAULT WEAPON UNDER § 4-303 OF THE CRIMINAL LAW**
6 **ARTICLE; OR**

7 **5. POSSESSION OF A FIREARM WHILE IN POSSESSION OF**
8 **A CONTROLLED DANGEROUS SUBSTANCE IN SUFFICIENT QUANTITY REASONABLY TO**
9 **INDICATE UNDER ALL CIRCUMSTANCES AN INTENT TO DISTRIBUTE OR DISPENSE A**
10 **CONTROLLED DANGEROUS SUBSTANCE.**

11 (ii) At the time of collection of the DNA sample under this
12 paragraph, the individual from whom a sample is collected shall be given notice that the
13 DNA record may be expunged and the DNA sample destroyed in accordance with § 2-511
14 of this subtitle.

15 (iii) DNA evidence collected from a crime scene or collected as
16 evidence of sexual assault at a hospital that a law enforcement investigator considers
17 relevant to the identification or exoneration of a suspect shall be tested as soon as
18 reasonably possible following collection of the sample.

19 (b) In accordance with regulations adopted under this subtitle, each DNA sample
20 required to be collected under this section shall be collected:

21 (1) at the time the individual is charged, at a facility specified by the
22 Secretary;

23 (2) at the correctional facility where the individual is confined, if the
24 individual is confined in a correctional facility on or after October 1, 2003, or is sentenced
25 to a term of imprisonment on or after October 1, 2003;

26 (3) at a facility specified by the Director, if the individual is on probation
27 or is not sentenced to a term of imprisonment; or

28 (4) at a suitable location in a circuit court following the imposition of
29 sentence.

30 (c) A DNA sample shall be collected by an individual who is:

31 (1) designated by the Director; and

32 (2) trained in the collection procedures that the Crime Laboratory uses.

(d) (1) A DNA sample collected from an individual charged with a crime under subsection (a)(3) of this section may not be tested or placed in the statewide DNA data base system prior to the first scheduled arraignment date unless requested or consented to by the individual as provided in paragraph (3) of this subsection.

(2) If all qualifying criminal charges are determined to be unsupported by probable cause:

(i) the DNA sample shall be immediately destroyed; and

(ii) notice shall be sent to the defendant and counsel of record for the defendant that the sample was destroyed.

(3) An individual may request or consent to have the individual's DNA sample processed prior to arraignment for the sole purpose of having the sample checked against a sample that:

(i) has been processed from the crime scene or the hospital; and

(ii) is related to the charges against the individual.

(e) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base system or if ordered by the court for good cause shown.

(f) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.