## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7077 (2020)

Amendment No.1

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COMMITTEE/SUBCOMMITTEE ACTIONADOPTED(Y/N)ADOPTED AS AMENDED(Y/N)ADOPTED W/O OBJECTION(Y/N)FAILED TO ADOPT(Y/N)WITHDRAWN(Y/N)OTHER\_\_\_\_\_\_

Committee/Subcommittee hearing bill: Judiciary Committee Representative Grant, J. offered the following:

-	
4	Amendment (with title amendment)
5	Remove lines 154-206 and insert:
6	by a private laboratory when the petitioner is able to pay for
7	the cost of such analysis.
8	(j) Before the court may order a private laboratory to
9	perform forensic analysis in the form of DNA testing, the
10	petitioner must obtain and submit certification to the court of
11	the following:
12	1. Proof of the private laboratory's accreditation by an
13	accreditation body that is a signatory to the International
14	Laboratory Accreditation Cooperation Mutual Recognition
15	Agreement.
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Published On: 2/25/2020 7:32:51 PM

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2. Proof that the private laboratory is designated by the 16 17 Federal Bureau of Investigation as possessing an accreditation 18 that includes DNA testing and the laboratory is compliant with Federal Bureau of Investigation quality assurance standards 19 20 adopted in accordance with 34 U.S.C. s. 12591. 21 3. Verification by the Department of Law Enforcement that 22 the private laboratory's operating procedures, testing kits, and 23 instrumentation meet CODIS requirements and submission standards

24 <u>for inclusion in the statewide DNA database. The Department of</u> 25 <u>Law Enforcement must comply with a court order to verify private</u> 26 <u>laboratory eligibility under this section.</u>

27 (k) If the court orders forensic analysis in the form of DNA testing and the resulting DNA sample meets statewide DNA 28 29 database submission standards established by the Department of 30 Law Enforcement, the Department of Law Enforcement must perform a DNA database search. A private laboratory ordered to perform 31 32 forensic analysis under paragraph (i) must cooperate with the 33 prosecuting authority and the Department of Law Enforcement for 34 the purpose of carrying out this requirement.

35 <u>1. The Department of Law Enforcement shall compare any DNA</u> 36 <u>profiles obtained from the testing to:</u>

37 <u>a. DNA profiles of known offenders maintained in the</u>
38 <u>statewide DNA database under s. 943.325.</u>

39 <u>b.</u> DNA profiles from unsolved crimes maintained in the 40 <u>statewide DNA database under s. 943.325.</u>

239623 - h7077-line154.docx

Published On: 2/25/2020 7:32:51 PM

Page 2 of 3

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41	2. If the testing complies with Federal Bureau of	
42	Investigation requirements and the data meets national DNA index	
43	system criteria, the Department of Law Enforcement shall request	
44	the national DNA index system to search its database of DNA	
45	profiles using any profiles obtained from the testing.	
46	(1) (1) The results of the forensic analysis and the	
47	results of any search of the combined DNA index system and	
48	statewide DNA databases <del>DNA testing</del> ordered by the court shall	
49	be provided to the court, the <u>petitioner</u> sentenced defendant,	
50	and the prosecuting authority. The petitioner or the state may	
51	use the information for any lawful purpose.	
52	(4) (3) RIGHT TO APPEAL; REHEARING	
53	(a) An appeal from the court's order on the petition for	
54	postsentencing <u>forensic analysis</u> <del>DNA testing</del> may be taken by any	
55	adversely	
56		
57		
58	TITLE AMENDMENT	
59	Remove line 12 and insert:	
60	providing an exception; requiring the Department of Law	
61	Enforcement to	
239623 - h7077-line154.docx		
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Page 3 of 3