

HB1121_L.002

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee_____
DateCommittee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1121 be amended as follows:

1 Amend printed bill, page 9, line 17, after "of" insert, "**or waiver of**
2 **preservation of**";

3 line 18, strike "IN" and substitute "(1) IN".

4 Page 10, after line 1, insert the following:

5 "(2) IN A CASE DESCRIBED IN SECTION 18-1-1102 (1), A
6 DEFENDANT MAY WAIVE HIS OR HER RIGHT TO PRESERVATION OF DNA
7 EVIDENCE UNDER THIS PART 11 AT ANY STAGE OF THE PROCEEDING BY
8 MAKING A KNOWING AND VOLUNTARY WAIVER. A WAIVER EXECUTED AS
9 A PART OF A PLEA BARGAIN OR SENTENCING AGREEMENT SHALL BE
10 VOLUNTARILY AGREED TO BY ALL PARTIES AND SHALL INCLUDE A
11 WRITTEN LIST DESCRIBING ALL EVIDENCE TO BE DISPOSED OF."

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