

**FIFTIETH LEGISLATURE
FIRST SESSION**

March 18, 2011

Mr. President:

Your **CONFERENCE COMMITTEE**, to whom has been referred

SENATE BILL 365, as amended

has had it under consideration and reports same with the following recommendation:

1. The following Senate Judiciary Committee amendments be DISAPPROVED:

Nos. 1, 2, 3 and 4.

2. Senate Finance Committee Amendment No. 1 be APPROVED.

3. All items of Senate Floor Amendment number 1 be DISAPPROVED.

4. All items of Senate Floor Amendment number 2 be DISAPPROVED.

5. House Judiciary Committee Amendment No. 1 be APPROVED. and that the bill be amended further as follows:

6. On page 1, line 12, before the period, insert "; REQUIRING CERTAIN CONDITIONS BEFORE A DNA SAMPLE IS ANALYZED".

7. On page 2, line 3, after the period, insert the following:

"A sample shall not be analyzed and shall be destroyed unless one of the following conditions has been met:

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(1) the arrest was made upon an arrest warrant for a felony;

(2) the defendant has appeared before a judge or magistrate who made a finding that there was probable cause for the arrest; or

(3) the defendant posted bond or was released prior to appearing before a judge or magistrate and then failed to appear for a scheduled hearing."

Respectfully submitted,

Vernon D. Asbill

Peter Wirth

John M. Sapien

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____