

Amend SB 1292 (house committee printing) as follows:

(1) On page 1, line 9, between "penalty," and "the Department", insert "subject to Subsection (j), the state shall require either".

(2) On page 1, line 10, strike "shall" and substitute "through one of its laboratories or a laboratory accredited under Section 411.0205, Government Code, to".

(3) On page 1, line 11, strike "department's" and substitute "laboratory's".

(4) On page 1, lines 11-13, strike "or have DNA tested by a laboratory accredited under Section 411.0205, Government Code, on all" and substitute "on any".

(5) On page 1, line 14, between "offense" and the underlined period, insert "and is in the possession of the state".

(6) On page 1, line 15, strike "performed the" and substitute "performs the".

(7) On page 1, line 19, between "case," and "the", insert "unless the state has affirmatively waived the death penalty in writing,".

(8) On page 2, strike lines 7-10 and substitute the following:

to the state and the defendant. At the hearing, there is a rebuttable presumption that the biological material that the defendant requests to be tested constitutes biological evidence that is required to be tested under Subsection (i). This subsection does not in any way prohibit the state from testing biological evidence in the state's possession.

(9) On page 2, line 14, strike "documentation" and substitute "bench notes prepared by the laboratory that are".

(10) On page 2, strike lines 16-18 and substitute the following:

(1) The defendant's exclusive remedy for testing that was not performed as required under Subsection (i) or (j) is to seek a writ of mandamus from the court of criminal appeals at any time on or before the date an application for a writ of habeas corpus is due to be filed in the defendant's case under Section 4(a), Article 11.071. An application for a writ of mandamus under this subsection

does not toll any period of limitations applicable to a habeas petition under state or federal law. The defendant is entitled to only one application for a writ of mandamus under this subsection. At any time after the date an application for a writ of habeas corpus is filed in the defendant's case under Section 4(a), Article 11.071, the defendant may file one additional motion for forensic testing under Chapter 64.