

Amend HB 2180 (house committee report) on page 3, between lines 13 and 14, by inserting the following:

(g) Notwithstanding any other provision of this article, a waiver executed under this article is void and unenforceable unless:

(1) the waiver is made in writing, in open court before a judge as part of the record and recorded by the court reporter, and signed by both the defendant and the defendant's attorney;

(2) the waiver is executed not earlier than the 120th day after the date the defendant enters a plea of guilty or no contendere;

(3) the defendant receives and signs an admonishment in plain language stating:

"Waiving your right to the preservation of evidence may severely limit your ability to win an appeal or seek post-conviction relief. It may result in the destruction of evidence that could have helped prove your innocence. Once destroyed, that evidence cannot be recovered."; and

(4) the defendant's attorney certifies in writing that the waiver was made freely, voluntarily, and without coercion, and that the defendant was fully advised of the consequences of waiving the preservation of evidence.

(h) Evidence may not be destroyed or disposed of until after the 120th day after the date of the order.

(i) A waiver under this article may not be requested, required, or included as part of any plea agreement or plea bargain negotiation.