

HOUSE BILL 641

E2

(6lr3143)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Sophocleus, Carey, Chang, Dumais, and S. Howard**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Evidence – Admissibility of DNA Profile – Definition and Validation of DNA**
3 **Profile**

4 FOR the purpose of altering the definition of “DNA profile” for purposes of certain
5 provisions of law concerning the admissibility of a DNA profile in a criminal
6 proceeding; providing that *a DNA profile is admissible for certain purposes if*
7 *accompanied by* a certain statement that the analysis of genetic loci has been
8 validated according to certain quality assurance standards of the Federal Bureau of
9 Investigation, ~~rather than the standards established by the Technical Working~~
10 ~~Group on DNA Analysis Methods or the DNA Advisory Board of the Federal Bureau~~
11 ~~of Investigation, is sufficient to admit a DNA profile into evidence under certain~~
12 ~~provisions of law~~; providing for the application of this Act; and generally relating to
13 criminal procedure and DNA profiles.

14 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Courts and Judicial Proceedings
 2 Section 10–915
 3 Annotated Code of Maryland
 4 (2013 Replacement Volume and 2015 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 6 That the Laws of Maryland read as follows:

7 **Article – Courts and Judicial Proceedings**

8 10–915.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) “Deoxyribonucleic acid (DNA)” means the molecules in all cellular
 11 forms that contain genetic information in a chemical structure of each individual.

12 (3) “DNA profile” means an analysis of genetic loci that have been
 13 validated according to ~~the~~ standards established by:

14 (i) The Technical Working Group on DNA Analysis Methods
 15 (TWGDAM); ~~or~~

16 (ii) The DNA Advisory Board of ~~the~~ the Federal Bureau of
 17 ~~Investigation~~;

18 **(III) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY**
 19 **ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR**

20 **(IV) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY**
 21 **ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES.**

22 (b) A **DNA PROFILE IS ADMISSIBLE UNDER THIS SECTION IF IT IS**
 23 **ACCOMPANIED BY A** statement from the testing laboratory setting forth that the analysis
 24 of genetic loci has been validated ~~by~~ ~~standards~~;

25 **(1) STANDARDS** established by TWGDAM ~~or the~~;

26 **(2) STANDARDS ESTABLISHED BY THE** DNA Advisory Board ~~of~~
 27 ~~ACCORDING TO THE~~ **OF THE FEDERAL BUREAU OF INVESTIGATION;**

28 **(3) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY**
 29 **ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR**

1 **(4) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY**
2 **ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES** ~~is sufficient to~~
3 ~~admit a DNA profile under this section.~~

4 (c) In any criminal proceeding, the evidence of a DNA profile is admissible to
5 prove or disprove the identity of any person, if the party seeking to introduce the evidence
6 of a DNA profile:

7 (1) Notifies in writing the other party or parties by mail at least 45 days
8 before any criminal proceeding; and

9 (2) Provides, if applicable and requested in writing, the other party or
10 parties at least 30 days before any criminal proceeding with:

11 (i) First generation film copy or suitable reproductions of
12 autoradiographs, dot blots, slot blots, silver stained gels, test strips, control strips, and any
13 other results generated in the course of the analysis;

14 (ii) Copies of laboratory notes generated in connection with the
15 analysis, including chain of custody documents, sizing and hybridization information,
16 statistical calculations, and worksheets;

17 (iii) Laboratory protocols and procedures utilized in the analysis;

18 (iv) The identification of each genetic locus analyzed; and

19 (v) A statement setting forth the genotype data and the profile
20 frequencies for the databases utilized.

21 (d) If a party is unable to provide the information required under subsection (c)
22 of this section at least 30 days prior to the criminal proceedings, the court may grant a
23 continuance to permit such timely disclosures.

24 (e) Except as to the issue of admissibility under this section, subsection (c) of this
25 section does not preclude discovery under the Maryland Rules relating to discovery, upon
26 a showing of scientific relevance to a material issue regarding the DNA profile.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
28 apply only prospectively and may not be applied or interpreted to have any effect on or
29 application to cases involving offenses that were committed before the effective date of this
30 Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2016.