

Chapter 570

(Senate Bill 637)

AN ACT concerning

Evidence – Admissibility of DNA Profile – Definition and Validation of DNA Profile

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

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 10–915
 Annotated Code of Maryland
 (2013 Replacement Volume and 2015 Supplement)

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

Article – Courts and Judicial Proceedings

10–915.

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

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

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

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

(ii) The DNA Advisory Board of ~~the~~ the Federal Bureau of ~~Investigation~~ ~~INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR;~~

(III) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR

~~(III) (IV) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES.~~

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

(I) STANDARDS established by TWGDAM ~~or the~~;

~~(II) THE STANDARDS ESTABLISHED BY THE~~ DNA Advisory Board ~~ACCORDING TO~~ OF THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES INVESTIGATION; OR

(III) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR

~~(III) (IV) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES~~ ~~is sufficient to admit a DNA profile under this section.~~

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 19, 2016.