

MARS/djh

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 414

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “expanding” in line 3 down through “circumstances;” in line 8 and substitute “altering provisions relating to information that shall be made available by a party seeking to introduce the evidence of a DNA profile; altering the definition of “DNA profile”; providing that provisions of law relating to the admissibility of DNA profile evidence do not preclude discovery under the Maryland Rules of Criminal Procedure relating to discovery, under certain circumstances;”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 23 through 26, inclusive, and substitute:

“(3) “DNA PROFILE” MEANS AN ANALYSIS OF GENETIC LOCI THAT HAVE BEEN VALIDATED ACCORDING TO STANDARDS ESTABLISHED BY:

(I) THE TECHNICAL WORKING GROUP ON DNA ANALYSIS METHODS (TWGDAM); OR

(II) THE DNA ADVISORY BOARD OF THE FEDERAL BUREAU OF INVESTIGATION.

(B) A STATEMENT FROM THE TESTING LABORATORY SETTING FORTH THAT THE ANALYSIS OF GENETIC LOCI HAS BEEN VALIDATED BY STANDARDS ESTABLISHED BY TWGDAM OR THE DNA ADVISORY BOARD IS SUFFICIENT TO ADMIT A DNA PROFILE UNDER THIS SECTION.”;

and in line 27, strike “(b)” and substitute “(C)”.

(Over)

AMENDMENT NO. 3

On page 2, in line 3, after “if” insert “APPLICABLE AND”; strike in their entirety lines 5 through 12, inclusive, and substitute:

“(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.”;

in line 13, strike “(c)” and substitute “(D)”; and in the same line, strike “subsection (b)” and substitute “SUBSECTION (C)”.

AMENDMENT NO. 4

On page 2, after line 15, insert:

“(E) EXCEPT AS TO THE ISSUE OF ADMISSIBILITY UNDER THIS SECTION, SUBSECTION (C) OF THIS SECTION DOES NOT PRECLUDE DISCOVERY UNDER THE MARYLAND RULES OF CRIMINAL PROCEDURE RELATING TO DISCOVERY, UPON A SHOWING OF SCIENTIFIC RELEVANCE TO A MATERIAL ISSUE REGARDING THE DNA PROFILE.”;

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**JUD**

and in line 18, after “committed” insert “on or”.

(Over)