
By: Delegates Genn, Harkins, and Hutchins

Introduced and read first time: January 24, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Evidence - DNA Profiles**

3 FOR the purpose of expanding provisions that make certain evidence pertaining to
4 deoxyribonucleic acid (DNA) admissible under certain circumstances to make them
5 applicable to analyses that use a polymerase chain reaction to identify the chemical
6 structure of genetic information; requiring a person who seeks to admit evidence of
7 a DNA profile at trial to provide certain materials and information to the other
8 party under certain circumstances; providing for the application of this Act; and
9 generally relating to criminal procedure and DNA profiles.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 10-915
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1996 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 10-915.

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

20 (2) "Deoxyribonucleic acid (DNA)" means the molecules in all cellular
21 forms that contain genetic information in a [patterned] chemical structure of each
22 individual.

23 (3) "DNA profile" means an analysis that utilizes the restriction fragment
24 length polymorphism analysis OR POLYMERASE CHAIN REACTION of DNA resulting in
25 the identification of an individual's [patterned] chemical structure of genetic
26 information.

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

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

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

5 (i) Duplicates of the actual autoradiographs, TEST STRIPS, OR
6 ANALYTICAL FILMS generated;

7 (ii) The laboratory protocols and procedures;

8 (iii) The identification of each [probe] GENETIC LOCUS utilized;

9 (iv) A statement describing the methodology of measuring fragment
10 size and match criteria; and

11 (v) A statement setting forth the allele frequency and genotype data
12 for the appropriate data base utilized.

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

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 1997.