
By: Delegates Genn, Harkins, and Hutchins

Introduced and read first time: January 24, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 1997

CHAPTER _____

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; altering provisions relating to information that~~
9 ~~shall be made available by a party seeking to introduce the evidence of a DNA~~
10 ~~profile; altering the definition of "DNA profile"; providing that provisions of law~~
11 ~~relating to the admissibility of DNA profile evidence do not preclude discovery~~
12 ~~under the Maryland Rules of Criminal Procedure relating to discovery, under~~
13 ~~certain circumstances; providing for the application of this Act; and generally~~
14 relating to criminal procedure and DNA profiles.

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 10-915
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1996 Supplement)

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

22 **Article - Courts and Judicial Proceedings**

23 10-915.

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

2

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

4 ~~(3) "DNA profile" means an analysis that utilizes the restriction fragment~~
5 ~~length polymorphism analysis OR POLYMERASE CHAIN REACTION of DNA resulting in~~
6 ~~the identification of an individual's [patterned] chemical structure of genetic~~
7 ~~information.~~

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

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

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

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

18 ~~(b)~~ (C) In any criminal proceeding, the evidence of a DNA profile is admissible
19 to prove or disprove the identity of any person, if the party seeking to introduce the
20 evidence of a DNA profile:

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

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

25 ~~(i) Duplicates of the actual autoradiographs, TEST STRIPS, OR~~
26 ~~ANALYTICAL FILMS generated;~~

27 ~~(ii) The laboratory protocols and procedures;~~

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

29 ~~(iv) A statement describing the methodology of measuring fragment~~
30 ~~size and match criteria; and~~

31 ~~(v) A statement setting forth the allele frequency and genotype data~~
32 ~~for the appropriate data base utilized.~~

33 (I) FIRST GENERATION FILM COPY OR SUITABLE
34 REPRODUCTIONS OF AUTORADIOGRAPHS, DOT BLOTS, SLOT BLOTS, SILVER
35 STAINED GELS, TEST STRIPS, CONTROL STRIPS, AND ANY OTHER RESULTS
36 GENERATED IN THE COURSE OF THE ANALYSIS;

37 (II) COPIES OF LABORATORY NOTES GENERATED IN CONNECTION
38 WITH THE ANALYSIS, INCLUDING CHAIN OF CUSTODY DOCUMENTS, SIZING AND
39 HYBRIDIZATION INFORMATION, STATISTICAL CALCULATIONS, AND WORKSHEETS;

3

1 (III) LABORATORY PROTOCOLS AND PROCEDURES UTILIZED IN
2 THE ANALYSIS;

3 (IV) THE IDENTIFICATION OF EACH GENETIC LOCUS ANALYZED;
4 AND

5 (V) A STATEMENT SETTING FORTH THE GENOTYPE DATA AND THE
6 PROFILE FREQUENCIES FOR THE DATABASES UTILIZED.

7 ~~(D)~~ If a party is unable to provide the information required under ~~subsection~~
8 ~~(C)~~ SUBSECTION (C) of this section at least 30 days prior to the criminal proceedings, the
9 court may grant a continuance to permit such timely disclosures.

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

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

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