
By: **Chairman, Judiciary Committee (By Request - Departmental - State Police)**

Introduced and read first time: January 25, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering a certain definition concerning the standard to be used in
4 validating certain deoxyribonucleic acid (DNA) profiles; altering the conditions
5 for the admissibility of certain evidence; and generally relating to DNA testing.

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 10-915
9 Annotated Code of Maryland
10 (2002 Replacement Volume and 2005 Supplement)

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

13 **Article - Courts and Judicial Proceedings**

14 10-915.

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

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

18 (3) "DNA profile" means an analysis of genetic loci that have been
19 validated according to NATIONAL QUALITY ASSURANCE standards [established]
20 ISSUED by[:

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

23 (ii) The DNA Advisory Board] THE DIRECTOR of the Federal
24 Bureau of Investigation.

1 (b) A statement from the testing laboratory setting forth that the analysis of
2 genetic loci has been validated [by] ACCORDING TO standards [established] ISSUED
3 by [TWGDAM or the DNA Advisory Board] THE DIRECTOR OF THE FEDERAL
4 BUREAU OF INVESTIGATION is sufficient to admit a DNA profile under this section.

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

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

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

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

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

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

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

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2006.