

HOUSE BILL 641

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6lr3143
CF 6lr2487

By: **Delegates Sophocleus, Carey, Chang, Dumais, and S. Howard**

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence – Admissibility of DNA Profile – Definition and Validation of DNA**
3 **Profile**

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

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 10–915
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2015 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 10–915.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) "DNA profile" means an analysis of genetic loci that have been
2 validated according to [standards established by:

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

5 (ii) The DNA Advisory Board of] the Federal Bureau of
6 [Investigation] **INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC**
7 **DNA TESTING LABORATORIES OR QUALITY ASSURANCE STANDARDS FOR DNA**
8 **DATABASING LABORATORIES.**

9 (b) A statement from the testing laboratory setting forth that the analysis of
10 genetic loci has been validated [by standards established by TWGDAM or the DNA
11 Advisory Board] **ACCORDING TO THE FEDERAL BUREAU OF INVESTIGATION'S**
12 **QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES**
13 **OR QUALITY ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES** is
14 sufficient to admit a DNA profile under this section.

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

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

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

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

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

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

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

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

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

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

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

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