

SENATE BILL 637

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6lr2487
CF HB 641

By: **Senator Cassilly**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER _____

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 DNA profile is admissible for certain purposes if
7 accompanied by a certain statement that the analysis of genetic loci has been
8 validated according to certain quality assurance standards of the Federal Bureau of
9 Investigation, rather than the standards established by the Technical Working
10 Group on DNA Analysis Methods or the DNA Advisory Board of the Federal Bureau
11 of Investigation, is sufficient to admit a DNA profile into evidence under certain
12 provisions of law; providing for the application of this Act; and generally relating to
13 criminal procedure and DNA profiles.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 10–915
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2015 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-915.

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

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

5 (3) "DNA profile" means an analysis of genetic loci that have been
6 validated according to ~~the~~ standards established by:

7 (i) The Technical Working Group on DNA Analysis Methods
8 (TWGDAM); ~~or~~

9 (ii) The DNA Advisory Board of ~~the~~ the Federal Bureau of
10 [Investigation] INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC
11 DNA TESTING LABORATORIES; OR

12 (iii) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY
13 ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES.

14 (b) A DNA PROFILE IS ADMISSIBLE UNDER THIS SECTION IF IT IS
15 ACCOMPANIED BY A statement from the testing laboratory setting forth that the analysis
16 of genetic loci has been validated ~~by~~ standards;

17 (i) STANDARDS established by TWGDAM ~~or the~~;

18 (ii) THE DNA Advisory Board ~~ACCORDING TO OF THE FEDERAL~~
19 BUREAU OF INVESTIGATION'S QUALITY ASSURANCE STANDARDS FOR FORENSIC
20 DNA TESTING LABORATORIES INVESTIGATION; OR

21 (iii) THE FEDERAL BUREAU OF INVESTIGATION'S QUALITY
22 ASSURANCE STANDARDS FOR DNA DATABASING LABORATORIES ~~is sufficient to~~
23 ~~admit a DNA profile under this section.~~

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.