

SENATE BILL 706

E2, D3

8lr1079

By: **Senator Zirkin**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence – Admissibility of Fingerprint Evaluations**

3 FOR the purpose of providing that, in a criminal proceeding, evidence of fingerprint
4 evaluation is admissible to prove or disprove the identity of a person under
5 certain circumstances; requiring the party seeking to introduce the evidence of a
6 fingerprint evaluation to provide the other party in the proceeding with a copy
7 of certain laboratory notes, reproductions, reports, or statements under certain
8 circumstances; authorizing a court to grant a continuance to allow certain
9 discovery under certain circumstances; defining certain terms; and generally
10 relating to admissibility of evidence regarding a fingerprint evaluation.

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 10–922

14 Annotated Code of Maryland

15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **10–922.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
21 MEANINGS INDICATED.

22 (2) “FINGERPRINT EVALUATION” MEANS AN ANALYSIS OF
23 FRICTION RIDGE DETAIL THAT HAS BEEN VALIDATED ACCORDING TO

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **STANDARDS ESTABLISHED BY THE SCIENTIFIC WORKING GROUP ON FRICTION**
2 **RIDGE ANALYSIS, STUDY AND TECHNOLOGY (SWGFAST).**

3 (3) **“FRICTION RIDGE DETAIL” MEANS AN AREA COMPRISED OF**
4 **THE COMBINATION OF RIDGE FLOW, RIDGE CHARACTERISTICS, AND RIDGE**
5 **STRUCTURE OF THE SKIN AREA OF THE SIDE OR UNDERSIDE OF THE HAND OR**
6 **FOOT OF AN INDIVIDUAL.**

7 (B) **A STATEMENT FROM THE TESTING LABORATORY SETTING FORTH**
8 **THAT THE ANALYSIS OF FRICTION RIDGE DETAIL HAS BEEN VALIDATED BY**
9 **STANDARDS ESTABLISHED BY SWGFAST IS SUFFICIENT TO ADMIT A**
10 **FINGERPRINT EVALUATION UNDER THIS SECTION.**

11 (C) **IN ANY CRIMINAL PROCEEDING, THE EVIDENCE OF A FINGERPRINT**
12 **EVALUATION IS ADMISSIBLE TO PROVE OR DISPROVE THE IDENTITY OF ANY**
13 **PERSON, IF THE PARTY SEEKING TO INTRODUCE THE EVIDENCE OF A**
14 **FINGERPRINT EVALUATION:**

15 (1) **NOTIFIES IN WRITING THE OTHER PARTY OR PARTIES BY**
16 **MAIL AT LEAST 45 DAYS BEFORE ANY CRIMINAL PROCEEDING; AND**

17 (2) **PROVIDES, IF APPLICABLE AND REQUESTED IN WRITING, THE**
18 **OTHER PARTY OR PARTIES AT LEAST 30 DAYS BEFORE ANY CRIMINAL**
19 **PROCEEDING WITH:**

20 (I) **DIGITAL OR OTHER SUITABLE REPRODUCTION OF THE**
21 **FRICTION RIDGE DETAIL IMPRESSION AND ANY OTHER RESULTS GENERATED IN**
22 **THE COURSE OF THE ANALYSIS;**

23 (II) **COPIES OF LABORATORY NOTES GENERATED IN**
24 **CONNECTION WITH THE ANALYSIS, INCLUDING CHAIN OF CUSTODY**
25 **DOCUMENTS, AND METHOD FOR ANALYSIS, COMPARISON, EVALUATION, AND**
26 **VERIFICATION (ACE-V);**

27 (III) **LABORATORY PROTOCOLS AND PROCEDURES UTILIZED**
28 **IN THE ANALYSIS;**

29 (IV) **THE DESCRIPTION OR IDENTIFIER OF THE ITEM**
30 **BEARING THE FRICTION RIDGE DETAIL IMPRESSION ANALYZED; AND**

31 (V) **A STATEMENT SETTING FORTH THE EVALUATION**
32 **PROFILES UTILIZED FOR IDENTIFICATION AND EXCLUSION.**

1 **(D) IF A PARTY IS UNABLE TO PROVIDE THE INFORMATION REQUIRED**
2 **UNDER SUBSECTION (C) OF THIS SECTION AT LEAST 30 DAYS PRIOR TO THE**
3 **CRIMINAL PROCEEDINGS, THE COURT MAY GRANT A CONTINUANCE TO PROVIDE**
4 **ADDITIONAL TIME FOR THE INFORMATION TO BE OBTAINED.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.