

VETOES

Section 5-1029

Annotated Code of Maryland

(1984 Volume and 1989 Supplement)

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

Article – Family Law

5-1029.

(a) On the motion of a party to the proceeding or on its own motion, the court shall order the mother, child, and alleged father to submit to blood tests to determine whether the alleged father can be excluded as being the father of the child.

(b) The blood tests shall be made in a laboratory selected by the court from a list of laboratories provided by the Administration. A LABORATORY ON THE LIST SHALL BE DEEMED TO HAVE CONSENTED TO PROVIDE A DOCTOR OR TECHNICIAN TO TESTIFY AT TRIAL WHEN GIVEN NOTICE IN ACCORDANCE WITH SUBSECTION (E)(3)(II) OF THIS SECTION.

(c) The laboratory shall report the results of each blood test in writing and in the form the court requires.

(d) A copy of the laboratory report of the blood test shall be provided to the parties or their counsel in the manner that the court directs.

(e) (1) Subject to the provisions of paragraph (3) of this subsection, the laboratory report of the blood test shall be received in evidence if:

(i) definite exclusion is established; or

(ii) the testing is sufficiently extensive to exclude 97.3% of alleged fathers who are not biological fathers, and the statistical probability of the alleged father's paternity is at least 97.3%.

(2) A laboratory report is prima facie evidence of the results of a blood test.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the laboratory report of the blood test is admissible in evidence without the presence of a doctor or technician from the laboratory that prepared the report if the report:

1. Is signed by the doctor or technician who prepared or verified the report; and

2. States that the result of the blood test is as stated in the report.

(ii) When the laboratory report of the blood test is admitted in evidence, a doctor or technician from the laboratory that prepared the report is subject to cross examination by any party to the proceeding if the party who desires cross