

Defined terms: "Crime Laboratory" § 2-501  
"DNA" § 2-501

2-508. AVAILABILITY OF DNA PROFILE.

(A) IN GENERAL.

(1) ON WRITTEN OR ELECTRONIC REQUEST AFTER VERIFICATION BY THE DIRECTOR THAT A MATCH HAS BEEN MADE IN THE POPULATION DATA BASE, THE TYPING RESULTS AND PERSONAL IDENTIFICATION INFORMATION OF THE DNA PROFILE OF AN INDIVIDUAL IN THE STATEWIDE DNA DATA BASE SYSTEM MAY BE MADE AVAILABLE TO:

(I) FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCIES;

(II) CRIME LABORATORIES THAT HAVE BEEN APPROVED BY THE DIRECTOR AND THAT SERVE FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES;

(III) A STATE'S ATTORNEY'S OFFICE OR OTHER PROSECUTORIAL OFFICE; AND

(IV) A PERSON PARTICIPATING IN A JUDICIAL PROCEEDING IN WHICH THE DATA BASE INFORMATION MAY BE OFFERED AS EVIDENCE.

(2) A REQUEST FOR DNA INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE IN FURTHERANCE OF A PURPOSE SET FORTH IN § 2-505 OF THIS SUBTITLE.

(B) AVAILABILITY TO DEFENDANT.

(1) THE TYPING RESULTS AND PERSONAL IDENTIFICATION INFORMATION OF THE DNA PROFILE OF AN INDIVIDUAL IN THE STATEWIDE DNA DATA BASE SYSTEM SHALL BE MADE AVAILABLE TO A DEFENDANT OR DEFENDANT'S COUNSEL ON WRITTEN ORDER OF THE COURT IN WHICH THE CASE IS PENDING.

(2) A SEARCH OF THE DATA BASE TO DETERMINE THE EXISTENCE OF A MATCH TO DNA OBTAINED FROM CRIME SCENE EVIDENCE TAKEN IN RELATION TO THE CRIME FOR WHICH A DEFENDANT IS CHARGED SHALL BE CONDUCTED IF:

(I) THE DEFENDANT REQUESTS THE SEARCH; AND

(II) A COURT ISSUES A WRITTEN ORDER FOR THE SEARCH.

(3) THIS SUBTITLE DOES NOT LIMIT A COURT FROM ORDERING DISCOVERY OF A DNA RECORD OR OTHER RELATED MATERIAL IN A CRIMINAL CASE.

(4) THE DIRECTOR SHALL MAINTAIN A FILE OF ALL ORDERS ISSUED UNDER THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 88B, § 12A(m)(1) and (2).