

Article - Public SafetySection 2-501, 2-502, 2-504, 2-505, and 2-510Annotated Code of Maryland(As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)

BY repealing and reenacting, with amendments,

Chapter 465 of the Acts of the General Assembly of 2002

Section 5

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

Article - Criminal Procedure

8-201.

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

(2) "DNA" means deoxyribonucleic acid.

(3) "LAW ENFORCEMENT AGENCY" MEANS ANY OF THE FOLLOWING:

(I) A MUNICIPAL OR COUNTY POLICE DEPARTMENT;

(II) SHERIFF'S OFFICE;

(III) THE MARYLAND STATE POLICE;

(IV) ANY PROSECUTING AUTHORITY;

(V) ANY STATE, UNIVERSITY, COUNTY, OR MUNICIPAL POLICE UNIT OR POLICE FORCE; AND

(VI) ANY HOSPITAL, MEDICAL FACILITY, OR PRIVATE ENTITY THAT IS CONDUCTING FORENSIC EXAMINATIONS AND SECURING BIOLOGICAL EVIDENCE RELATED TO CRIMINAL INVESTIGATIONS.

(4) "BIOLOGICAL EVIDENCE" INCLUDES, BUT IS NOT LIMITED TO, ANY BLOOD, HAIR, SALIVA, SEMEN, EPITHELIAL CELLS, BUCCAL CELLS, OR OTHER BODILY SUBSTANCES FROM WHICH GENETIC MARKER GROUPINGS MAY BE OBTAINED.

[(3)] (5) "Scientific identification evidence" means evidence that:

(i) is related to an investigation or prosecution that resulted in a judgment of conviction;

(ii) is in the actual or constructive possession of [the State under subsection (i) of this section] A LAW ENFORCEMENT AGENCY OR AGENT OF A LAW ENFORCEMENT AGENCY; and