

Bill Number: HB1096  
Scott D. Shellenberger, State's Attorney for Baltimore County  
Support

**WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY**  
**IN SUPPORT OF HOUSE BILL 1096**  
**CHAIN OF CUSTODY OF DNA**

I write in support of House Bill 1096, Chain of Custody of DNA Evidence. This Bill will streamline the process of admitting DNA results in criminal cases.

This statute is merely an extension of a number of laws that the legislature has passed over the years that have been working very well in criminal cases to deal with the admissibility of expert reports.

A few examples where the Legislature has already done just this type of statute in other areas of the law:

Courts and Judicial Proceedings Article 10-1004 allows for the admissibility of an autopsy in a similar way to House Bill 1096 with a written form. That method has been working for years.

Courts and Judicial Proceedings Article 10-1002 allows for the admission of drug results in Controlled Dangerous Substance cases, even in drug distribution cases. That method has been working for years.

Courts and Judicial Proceedings Article 10-914 allows for the admissibility of positive drug tests in violation of probation hearings.

House Bill 1096 is merely an extension of Statutes like the above where test results may come in easily when there is no dispute.

These statutes have been working well for years and there is no reason it cannot work in the area of DNA results.

Please note under 10-1010 all a Defendant has to do is file a simple written demand and the State must jump through its paces by putting on live evidence and proving chain of custody. One letter and the State cannot use just a form.

Why might the defense counsel not object? Say it is a rape case and the parties know one another. Defense counsel as a strategy may allow the DNA to come in by just the written report making sure the Jury knows that identity is not an issue in the case (consent is) and Defense Counsel is not going to waste the jury's time with uncontested issues.

This is a simple, sensible statute that may streamline some criminal cases but still offers every protection to a Defendant to preserve their constitutional rights.

I urge a favorable report of House Bill 1096.