

**SB 549 final Testimony .pdf**

Uploaded by: Charles E. Sydnor III

Position: FAV

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DEPUTY MAJORITY WHIP

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Administrative, Executive, and  
Legislative Review

Children, Youth, and Families

Senate Chair, Legislative Ethics

*Chair*

Baltimore County Senate Delegation



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 549**  
**Criminal Procedure – Forensic Genetic Genealogical DNA Analysis and Search – Applicability for**  
**Deceased and Missing Children**  
**February 9, 2024**

Good afternoon, Chair Smith, and members of the Judicial Proceedings Committee,

Senate Bill 549 (“SB 549”) is a straightforward bill: it allows forensic genetic genealogical DNA analysis and searches (“FGGS”) to be conducted on deceased or missing minors without requiring judicial authorization as required under §§ 17-102 -103 of Maryland’s Criminal Procedure Code. Essentially, FGGS utilize forensic genetic genealogical DNA testing to develop a profile that is then compared to others in databases and public records to find matches to the profile.<sup>1</sup>

While photos are “still the most powerful tool for finding missing kids,” the use of DNA in identifications of both deceased, and living victims, has increased drastically.<sup>2</sup> From 2010-2020, the National Center for Missing & Exploited Children resolved 238 cases of missing or unidentified deceased children by using DNA.<sup>3</sup> SB 549 allows FGGS to happen in Maryland without requiring formal court authorization.

Our current law reflects our dedication to Marylanders’ privacy. However, SB 549 creates a small, yet important, exception. By allowing the use of FGGS on deceased or missing minors without judicial authorization, SB 549 will accelerate identification and provide answers to families, friends, and loved ones.

For the reasons stated above, I respectfully request a favorable report for SB 549.

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<sup>1</sup> Md. Code Ann., Criminal Procedure § 17-101.

<sup>2</sup> Patricia Davis, *Finding Missing Kids: It’s In Our DNA*, National Center for Missing & Exploited Children, <https://www.missingkids.org/blog/2020/finding-missing-kids-its-in-our-dna>

<sup>3</sup> *Id.*

**Written - Testimony - Maryland - SB 549 (2024).pdf**

Uploaded by: Daton Lynch

Position: FAV



**BILL NO:** **SB 549**  
**TITLE:** Forensic Genetic Genealogical DNA Analysis and Search – Applicability for Deceased and Missing Children  
**COMMITTEE:** Senate Judicial Proceedings Committee  
**HEARING DATE:** February 9, 2024  
**POSITION:** **FAVORABLE (FAV)**

**Dear Chairman Smith and Esteemed Members of the Judicial Proceedings Committee:**

I am writing on behalf of the National Center for Missing & Exploited Children (NCMEC) and the children and families we serve to request a favorable report for SB 549. This legislation amends Maryland's Forensic Genetic Genealogy DNA Analysis and Search statute to authorize law enforcement to use forensic genetic genealogy to ascertain the identity of unidentified children—missing or deceased.

### **Child Identification Exceptions for Maryland's Forensic Genealogy Law**

Forensic Genetic Genealogy DNA Searches (FGGS) involves matching DNA with genetic profiles in public databases, a process instrumental in identifying suspects in violent and dangerous crimes. In Maryland, the use of FGGS is governed by § 17-102 - 17-116, a law enacted in 2021 to create a statutory framework that permits the use of FGGS in the investigations of murder, rape, and significant threats to public safety or national security. The statute mandates judicial approval and informed consent for investigations, and the codified scope is limited to criminal investigations.

SB 549 provides a carefully crafted child identification exception to Maryland's forensic genealogy law, while leaving Maryland's FGGS safeguards for criminal cases unaffected. More specifically, this legislation amends Maryland's forensic genealogy statute to authorize law enforcement's use of FGGS for the non-criminal purpose of *identifying individuals under the age of 18 years who are deceased, or the subject of a missing person report filed with law enforcement.*

SB 549 fills a gap in the current law and aligns Maryland's FGGS statute with NCMEC's recommended best practices for state forensic policies by providing a statutory exception for unresolved missing and unidentified child cases.

### **NCMEC's Interest in Forensic Genetic Genealogy for Child Identifications**

In NCMEC's experience, forensic genetic genealogy is an indispensable tool for identifying missing children and child remains. When used effectively, FGGS enables families to reunite with loved ones *or* begin the first somber step toward finding answers after an affirmed tragedy. We understand

the pain and trauma families endure while searching for a missing child. NCMEC was founded in 1984, in the wake of a tragedy following the abduction and murder of 6-year-old Adam Walsh in 1981. Today, NCMEC is the leading private, nonprofit organization working to help find missing children, reduce child sexual exploitation, and prevent child victimization.

Our work extends across a broad spectrum of forensic services and includes collaborations with forensic laboratories, law enforcement, and families seeking to identify missing and deceased children using forensic genetic genealogy DNA analysis and search. **As a result of these FGGS efforts—between 2018 and 2023—NCMEC contributed to the identification of 81 unidentified children, and to the recovery of 3 long-term missing children that were victims of infant abductions.** However, even with these resolved identifications, there is perhaps no case more representative of NCMEC's experiences supporting FGGS child identifications than Maryland's *Woodlawn Jane Doe* case.

### **The Maryland Case of Woodlawn Jane Doe**

Prior to the enactment of Maryland's FGGS statute, there was a notable case involving an unidentified 16-year-old girl, referred to as "Woodlawn Jane Doe." The child was discovered deceased in Baltimore County in 1976, and her identity remained unknown for four decades. In 2021, a significant advancement was made in the case. NCMEC, working in conjunction with the Baltimore County Police Department and Bode Technology, a forensic laboratory, applied forensic genetic genealogy DNA searching in an effort to identify Woodlawn Jane Doe. This collaborative effort resulted in the successful identification of 16-year-old Margaret Fetterolf on September 15, 2021, 45 years after her remains were discovered.

Margaret's identification underscores the utility of FGGS in Maryland as a non-criminal forensic tool to aid child identifications. Unfortunately, two weeks after Baltimore County authorities identified Margaret, Maryland's FGGS statute became effective, and unintentionally placed statutory limits on state and local law enforcement's ability to use FGGS for the same purpose. SB 549 addresses these limitations by authorizing the use of FGGS for future child identifications.

### **Every Child Deserves a Safe Childhood**

As exemplified by the Woodlawn Jane Doe case, forensic genetic genealogy DNA searches serve an important public interest when used to identify a missing or deceased child—and an important private interest for families reuniting with a missing child *or* seeking answers in the wake of an unthinkable tragedy. NCMEC believes that every child deserves a safe childhood, and every family affected by the absence or loss of a child deserves to find resolution. In recognition of the pivotal role forensic genetic genealogy can play in support of crucial child identifications, NCMEC respectfully requests a favorable report for Senate Bill 549.

Respectfully submitted,



**Daton Lynch**

State Policy Counsel

National Center for Missing & Exploited Children

Enc. Woodlawn Jane Doe (*article*)



WEDNESDAY, SEPTEMBER 15, 2021

## **1976 WOODLAWN JANE DOE HAS BEEN IDENTIFIED AS MARGARET FETTEROLF THROUGH FORENSIC GENEALOGY EFFORTS LED BY BODE TECHNOLOGY**



On September 12, 1976 a female was found deceased in Woodlawn, Maryland. Her body was found along an access road to Lorraine Park Cemetery. She had been deceased for less than 24-hours.

The female was found clothed, with her hands bound behind her back, mouth gagged, head covered by multiple layers, and body wrapped in a white sheet. Baltimore Medical Examiner's Office completed the autopsy and ruled her death a homicide by asphyxia but also noted evidence of sexual assault. Toxicology results revealed a toxic level of Chlorpromazine, which is also commonly known as Thorazine which was used to treat symptoms of Schizophrenia or could be used as a tranquilizer.

The female was reported to be Caucasian, 15-30 years old, 5'8" tall and had

medium length dark brown hair. A homemade tattoo was observed on her upper right arm of the letters "JP" and an old healed scar on her right thigh.

The investigation into the items recovered on the victim pointed the investigation to the state of Massachusetts. The victim had two brass keys on a safety pin fastened to the inside of her pant pocket. One of the brass keys was identified as a key for a night latch made by Ilco Corporation in Fitchburg, MA. The second brass key is a standard house key made by Star company. Large cloth seed bags were used to cover the victim's head and were found inside her mouth used as a gag. The seed bags were traced back to the Farm Bureau Association in Massachusetts which were only sold in 5 different cities: Waltham, Rochdale, Lowell, South Weymouth, and Greenfield.

Maryland State Crime lab and Bode Technology has tested several pieces of evidence in this case in attempts to develop leads. In 2006 a DNA profile for the victim and an unknown male DNA profile was developed and uploaded into the national DNA database, CODIS. Both profiles have been searching at the national level of CODIS since and no hits have ever been reported. The victim was entered into NCIC, NamUs and ViCAP as an unidentified homicide victim.

## **NCMEC'S INVOLVEMENT**

NCMEC intaked this case in 2008 at the request of the Baltimore County Police Department. NCMEC Forensic Artists have completed three different facial reconstructions throughout the years in 2008, 2012, and 2015 as more information was learned about the victim. The images were used to create a NCMEC poster and featured on Help ID Me Facebook page on multiple occasions. In 2016 NCMEC's Communication team also produced a public interest video to help develop information on a critical lead in Massachusetts.

In 2011 a specialized letter and poster were mailed by FSU directly to 147 law enforcement agencies in Massachusetts hoping to develop leads to historical missing persons cases. In 2015 pollen analysis was completed on some of the recovered evidence by the U.S. Customs and Border Protection lab suggesting the female spent time in an urban area in the Northeast United States, specifically in

Boston, MA or New York City, NY which is consistent with the earlier investigation into the evidence linking back up to Massachusetts. NCMEC also completed over a dozen analytical searches supporting lead development and follow up.

Team Adam consultants met with Baltimore County Police Department in 2012 to conduct a case review and provide recommendations. In 2016 NCMEC hosted a comprehensive case review at headquarters in Alexandria, Virginia which developed further investigative recommendations and resources.

In January 2020 FSU traveled to Baltimore and met with BCPD homicide, BCPD lab, and Bode Technology and conducted an in-house case review focused on the evidence. Through those efforts, NCMEC facilitated evidence submission to Bode Technology under our partnership agreement in attempts to develop DNA evidence from the victim for whole genome sequencing and forensic genealogy. Over the next 18 months several areas required troubleshooting and multiple pieces of evidence were tested using multiple DNA technologies in order to develop a sufficient profile that could be uploaded into the ancestry databases. In August, 2021 Bode Technology advised that their genealogy team identified a potential lead to a female name Margaret Fetterolf. BCPD and NCMEC's analyst went to work developing information on Margaret and her family. Family was located and provided a DNA sample for direct comparison which confirmed the positive identification.

Margaret was 16 years old when she was last seen by her family in 1976. At the time of her disappearance she resided with her family in Alexandria, Virginia.

**September 12, 2021 marked the 45th anniversary of her death.**

*The Baltimore County Police Department is continuing the investigation into Margaret's death. They released the following press notification in hopes of locating more people that knew Margaret around the time she disappeared.*

<https://www.baltimorecountymd.gov/departments/police/news/2021/09/15/woodlaw-n-jane-doe-identified-after-45-years>



# **SB549 - Forensic Genealogical Search.pdf**

Uploaded by: Doyle Niemann

Position: FAV



To: Members of The Senate Judicial Proceedings Committee  
From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section,  
Maryland State Bar Association  
Date: February 8, 2024  
Subject: **SB549 – Forensic Genetic Genealogical DNA Analysis and Search - Applicability for  
Deceased and Missing Children**  
Position: **SUPPORT**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports SB 549.**

This bill will allow the use of forensic genetic genealogical analysis in the investigation of deceased and missing children. It is a narrowly crafted bill that creates a useful exception to current laws regulating the use of genetic genealogical techniques. It will apply only in a handful of situations where the identification of deceased children or missing children whose location is unknown is extremely important and difficult to find using other techniques.

For the reasons stated, we **Support SB549 – Forensic Genetic Genealogical DNA Analysis and Search - Applicability for Deceased and Missing Children.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@gmail.net](mailto:doyleniemann@gmail.net).

Should you have other questions, please contact The MSBA's Legislative Office at (410) 387-5606..

**SB 549 - MoCo\_MCPD\_FAV (GA 24).pdf**

Uploaded by: Sara Morningstar

Position: FAV



# Montgomery County

## Office of Intergovernmental Relations

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**SB 549**

**DATE: February 9, 2024**

**SPONSOR: Senator Sydnor**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)**

**POSITION: SUPPORT (Department of Police)**

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### **Criminal Procedure – Forensic Genetic Genealogical DNA Analysis and Search – Applicability for Deceased and Missing Children**

Senate Bill 549 provides for the use of forensic genetic genealogical DNA analysis and search (FGGS) by law enforcement in identifying a deceased or missing individual under the age of 18. The Montgomery County Department of Police supports this legislation.

According to the National Missing and Unidentified Persons database, funded by the U.S. Department of Justice, more than 600,000 people go missing annually, and approximately 4,400 unidentified bodies are recovered each year. Genetic technologies are constantly evolving, and as such, provide powerful investigative and scientific tools for law enforcement. Laws authorizing their use, however, must not only protect reasonable interests in privacy, but at the same time provide law enforcement with the tools they need to help identify deceased and missing individuals.

Senate Bill 549 acknowledges these protections for cases involving adults and expands the investigative and scientific use of FGGS analysis to unsolved cases involving deceased and missing youth. As such, the Cold Case Unit of the Montgomery County Department of Police supports the bill and urges the Committee to adopt a favorable report.