

**MCPA-MSA\_SB 202-Statewide DNA Database-SUPPORT.pdf**

Uploaded by: Andrea Mansfield

Position: FAV



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 14, 2025

RE: **SB 202 – Public Safety – Statewide DNA Database System, DNA Collection, and Penalties - Alterations**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 202**. This bill addresses issues associated with the DNA database statute.

The Maryland Department of State Police's Forensic Sciences Division oversees the statewide DNA database. This database has been an incredibly successful tool over the years, assisting investigators to implicate perpetrators, exonerate the falsely accused, and link serial crimes in Maryland and across state lines. MCPA and MSA believe this bill will close loopholes in the statute making the database an even more valuable tool in solving crimes.

In addition, the bill provides for the protection of employees who may find themselves in situations where individuals refuse to provide a sample. Should this occur, employees who attempt to take samples will be deemed as meeting their charge. Any individual who refuses to submit a DNA sample will then be referred to the State's Attorney's Office for prosecution. As several Sheriffs oversee local detention facilities, this language is very important to protect the men and women who serve as officers in these facilities.

MCPA and MSA support all efforts for operational improvements to make the DNA database more effective and appreciates the employee protection language for circumstances where individuals may refuse to provide samples. For these reasons, MCPA and MSA **SUPPORT SB 202** and urge a **FAVORABLE** Committee report.

**DNA - senate testimony - 2025 - SB202 FAV.pdf**

Uploaded by: Lisae C Jordan

Position: FAV



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**Working to end sexual violence in Maryland**

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**Testimony Supporting Senate Bill 202**  
**Lisae C. Jordan, Executive Director & Counsel**  
January 14, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 202.

**Senate Bill 202 – Statewide DNA Database System – Fixing Bureaucratic Obstacles**

This bill corrects language in the current statute and makes changes to help the state DNA database work effectively. Current law provides for collecting DNA evidence from people arrested for crimes of violence or burglary, including from people involved in sexual crimes. Unfortunately, incorrect language and process problems have created barriers to implementation of the law. SB206 fixes these issues and would allow the law to work as intended.

Collection of DNA evidence is of particular importance to survivors of rape and other sexual assault crimes. Rape survivors voluntarily submit to extensive, intrusive evidence collection in the hopes of stopping a sex offender and obtaining justice. It is vital that the state database have information available to compare with the evidence collected from survivors' bodies. Maryland currently has a backlog of over 16,000 DNA samples waiting to be uploaded into the state database. Among that group of samples, there is undoubtedly evidence that will help solve sexual assault cases. Senate Bill 206 does not create a new investigatory tool or burden on arrestees. It merely makes the current law effective.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceeding Committee to  
report favorably on Senate Bill 202**

# **Maryland State Police Position Paper for SB0202.pd**

Uploaded by: Owen Traynor

Position: FAV



**State of Maryland**  
**Department of State Police**  
Government Affairs Unit  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

**DATE:** January 14, 2025

**BILL NUMBER:** Senate Bill 202                      **POSITION:** Support

**BILL TITLE:** Public Safety – Statewide DNA Database System, DNA Collection, and Penalties - Alterations

**REVIEW AND ANALYSIS:**

This legislation seeks to clarify when a DNA sample is required to be collected, and who is responsible for collecting the DNA sample as it relates to collection of arrestee and convicted offender samples for entry into the Statewide DNA Database System. Additionally, this legislation repeals a requirement that a DNA sample cannot be tested and placed into the Statewide DNA Database System until after the first scheduled arraignment date. Furthermore, this legislation allows arrestee DNA Database samples held by the Maryland Department of State Police Forensic Sciences Division, and not tested after a period of time, to be expunged.

Under current law, DNA Database samples must be collected for an arrest of a qualifying crime or a conviction for a qualifying crime. Upon conviction, the sample can immediately be tested and uploaded into the Statewide DNA Database. Alternatively, an arrestee sample taken as authorized under the law, may not be tested until after the first scheduled arraignment date. Arraignment Date does not exist in Maryland law, it is not defined, nor does it appear anywhere in the Maryland Rules. As such, the Forensic Sciences Division (FSD) has relied on the Assistant Attorney General's advice for determining if a sample may be tested and uploaded. There are specific triggers as to when an arrestee DNA Database sample can be tested and when it must be expunged; however, there are at least 16,279 samples, that do not meet either trigger and are therefore deemed to be "in limbo".

Senate Bill 202 addresses these issues. The bill ensures that moving forward all samples that should be collected are collected and that all collected samples have clear and achievable triggers for testing and expungement. To that end, this bill does the following:

- 1) clarifies accountability for the collection of DNA Database samples,
- 2) imposes a monetary penalty for qualifying individuals who refuse to provide a DNA Database sample, and
- 3) repeals language that uses the term "arraignment" and replaces it with language stating that an arrestee sample may be tested and uploaded when a

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determination of probable cause has been made in accordance with the Maryland rules

Regarding the “in limbo” arrestee DNA database samples, Senate Bill 202 specifies that the samples collected prior to the enactment of this bill, are to be held for an additional period of time, then expunged if they fail to meet the law in effect prior to the enactment of the legislation. This bill is not retroactive and it does not add or remove any additional crimes requiring a DNA sample to be collected.

In the Section language, the bill provides a lengthy period of time for the DNA samples to be expunged. The reason for this time frame is to allow the FSD to expunge this large number of samples within the existing budget and personnel resources. Any decrease in the time frame incurs a cost. Current law prohibits the use of a match to a sample already meeting the expungement requirements, so the time is not a factor.

The Maryland Statewide DNA Database System has been an incredibly successful tool over the years, assisting investigators to implicate perpetrators, exonerate the falsely accused, and link serial crimes in Maryland and across state lines. Maryland has had over 12,390 hits associated with the Maryland DNA Database since its inception. There is potential for the DNA Database System to be even more productive if the changes proposed in SB 202 are implemented. Moreover, by fixing the language that has led to the “in limbo” samples along with expunging all previous “in limbo” samples, the State will correct an unintended flaw in the existing law.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 202 a favorable report.

# 1 14 2025 SB 202 DNA Changes MOPD Oppose (1).pdf

Uploaded by: Elizabeth Hilliard

Position: UNF





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DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: SB 202- Public Safety - Statewide DNA Database System, DNA Collection, and Penalties**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: January 14, 2025**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 202.

Senate Bill 202 makes a number of changes to the processes surrounding DNA collection and creates concerning consequences for individuals involved in the criminal legal system prior to any adjudication.

The primary concern of the Office of the Public Defender is that it moves up the date on which the initial testing of a DNA sample is permitted. While the current law allows collection of a DNA sample upon arrest, the Maryland State Police (MSP) cannot test the DNA or place the profile in the DNA database prior to the scheduled arraignment date of an individual who is charged with a qualifying crime. Under the proposed changes, it appears that the DNA could be tested as early as when a commissioner makes a probable cause determination and before the first scheduled arraignment date. Testing the DNA sample *before* the first scheduled arraignment date would undermine due process, as a person merely needs to be charged with such a crime and survive a minimal probable cause determination before an individual's DNA sample is tested. Requiring an actual arraignment date on a qualifying offense, makes the consequential step of testing the DNA of a legally innocent person more thoughtful and deliberate, as it should be. Testing a DNA sample is an irreversible invasion of an individual's privacy and should only be done with due deliberation, particularly before an individual has been convicted of any crime.

Another concern is that the bill makes refusal to give a DNA sample a crime. (Page 5 line 29-page 6 line 3). This is an incredibly coercive circumstance to put an individual in and if there are issues with individuals to be easily addressed with contempt of court rather than additional criminal penalties.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 202.**

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**