

HB0301 Forensic Genetic Genealogical DNA Analysis

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0301

Custodial Interrogation of Minors Admissibility of Statements

Bill Sponsor: Delegate Moon

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0301 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

The goal of HB0301 is to streamline the process of using forensic genetic genealogical DNA analysis and search (FGGS) in criminal investigations by simplifying the criteria for judicial authorization. Specifically, it aims to alter the requirements for obtaining judicial authorization for FGGS. The bill repeals the need for a sworn affidavit to assert that reasonable investigative leads have been pursued and failed to identify the perpetrator. Instead, it requires only an affidavit that asserts the identity of the perpetrator is unknown.

Our members are advocates of legislation that leads to swifter and more precise identification of criminals. This results in the prevention of further crime, the reduction of injustice system through *accurate* identification, and faster justice for victims. Furthermore, this legislation builds public trust in our criminal system while deterring potential criminals. By promptly addressing criminal activities, we forge a safer, more just, and trusting society.

The Maryland Legislative Coalition supports this bill, and we recommend a FAVORABLE report in Committee.

Forensic Use of Genetic Materials - testimony HB

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 301
Lisae C. Jordan, Executive Director & Counsel
March 19, 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 House Bill 301.

House Bill 301 – Commercial Genetic Databases and Criminal Investigations

This bill would amend current law and permit law enforcement investigations to search commercial genetic testing databases when the identity of a perpetrator is unknown. This would help apprehend and convict sex offenders when the assailant is unknown to the survivor.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on House Bill 301**

MCPA-MSA X HB 301-Genetic Genealogical DNA Analyysi

Uploaded by: Samira Jackson

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
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 19, 2025

RE: **HB 301 – Criminal Procedure – Forensic Genetic Genealogical DNA Analysis
and Search – Affidavit for Judicial Authorization**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 301.**

HB 301 represents a crucial step forward in modernizing investigative tools while maintaining judicial oversight in forensic genetic genealogical DNA analysis (FGGS). By eliminating the requirement that law enforcement must first exhaust all reasonable investigative leads before seeking judicial authorization, the bill allows FGGS to be used more proactively in cases where the perpetrator's identity remains unknown. This change ensures that law enforcement agencies can apply advanced DNA technology at an earlier stage, rather than as a last resort, improving efficiency and increasing the likelihood of solving violent crimes such as homicides and sexual assaults. The requirement to establish that the suspect's identity is unknown before seeking judicial approval still preserves necessary legal safeguards, ensuring FGGS remains a controlled and accountable tool in criminal investigations.

Moreover, HB 301 enhances public safety by streamlining the investigative process and reducing unnecessary delays in identifying offenders. In cases where conventional investigative methods may take years to yield results, FGGS has proven instrumental in solving cold cases and bringing justice to victims and their families. By allowing investigators to pursue this method without first demonstrating the failure of other leads, Maryland aligns itself with best practices in forensic science while preserving the judicial oversight necessary to protect civil liberties. This legislation strikes a critical balance between investigative efficiency and ethical safeguards, reinforcing the state's commitment to both justice and due process.

For these reasons, MCPA and MSA **SUPPORT HB 301** and request a **FAVORABLE** Committee report.

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Uploaded by: Tiffany Clark

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ANTHONY G. BROWN
Attorney General

March 19, 2025

TO: The Honorable William Smith
Chair, Judicial Proceedings Committee

FROM: Nancy Frigo, Assistant Attorney General
Organized Crime Unit, Criminal Division, Office of the Attorney General

RE: House Bill 301 – Criminal Procedure – Forensic Genetic Genealogical DNA
Analysis and Search – Affidavit for Judicial Authorization – **SUPPORT**

The Office of the Attorney General urges a favorable report on House Bill 301 Forensic Genetic Genealogical DNA Analysis and Search – Affidavit for Judicial Authorization. This legislation provides necessary clarity in the FGGS application process.

Forensic Genetic Genealogical DNA Analysis and Search, referred to as FGGS, is often law enforcement’s last and best hope for solving some of our State’s most heinous crimes. FGGS has successfully solved decades-old homicides and was instrumental in identifying the murderer of Rachel Morin.

This bill provides clarity in the application process and confidence that a successful investigation and prosecution would not later be jeopardized by a challenge to the ambiguity of the phrase “reasonable investigative leads.”

For these reasons, the Office of the Attorney General urges a favorable report on House Bill 301.

cc: Committee Members

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Uploaded by: Krystal Williams

Position: UNF



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DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 301 – Forensic Genetic Genealogical DNA Analysis and Search – Affidavit for Judicial Authorization

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: March 19, 2025

The Maryland Office of the Public Defender respectfully urges the Committee to issue an unfavorable report on House Bill 301.

House Bill 301 eliminates the requirement for law enforcement to exhaust “reasonable investigative leads” before resorting to forensic genetic genealogy (FGG). Eliminating this requirement would be a significant misstep, jeopardizing both privacy rights and the integrity of criminal legal investigations.

FGG operates at the intersection of cutting-edge investigative techniques and the fundamental right to privacy. This method grants law enforcement access to highly sensitive genetic data generated through consumer technology. The current law strikes a careful balance, ensuring investigative benefits do not come at the expense of individual privacy. A core principle of the existing statute is the requirement that law enforcement exhaust less intrusive methods before turning to FGG. Removing this safeguard weakens essential privacy protections.

Research indicates that individuals in the United States consider genetic data stored with genealogy companies to be intensely private—on par with the sanctity of personal spaces such as bedrooms or the confidentiality of text messages and emails. These searches are uniquely invasive, revealing information individuals may not even know about themselves, cannot control, and that may have future implications beyond current scientific understanding. Preserving the current restrictions on FGG is crucial to upholding these privacy expectations.

Furthermore, the broad use of FGG raises significant constitutional concerns. This technique essentially subjects millions of innocent people to genetic searches without probable cause, leaving law enforcement officers with unchecked discretion to determine whom to investigate further and whom to arrest. In this way, FGG resembles the general warrants and writs of assistance that the Founders explicitly sought to prohibit through the Fourth Amendment. See *Stanford v. Texas*, 379 U.S. 476, 481-82 (1965).

While FGG can be a powerful tool in criminal investigations, it is important to recognize its limitations. DNA evidence alone rarely provides an unequivocal “they did it” answer. Instead, it

is one piece of a larger investigative puzzle, and its use must be carefully regulated. Requiring law enforcement to exhaust all reasonable investigative leads before turning to FGG is simply a standard of good police work—a standard that was intentionally included by the working group that originally drafted the FGG legislation.

It is unclear why the proposed legislation seeks to eliminate this requirement, other than to hasten the process for employing FGG and relieve law enforcement of the responsibility of conducting thorough investigations before resorting to genetic searches.

Maryland’s current law appropriately balances the need for effective investigative tools with the fundamental right to genetic privacy. Any attempt to “streamline”; the use of FGG undermines these critical protections and should be firmly opposed.

For the foregoing reasons, the Maryland Office of the Public Defender strongly urges the Committee to maintain the existing statutory restrictions on the use of FGG and return an unfavorable report on House Bill 301.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Jeff Gilleran, Chief Attorney of the Forensics Division,
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