

HOUSE BILL 240

E2

(11r1436)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Shetty**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Forensic Genetic Genealogical DNA Analysis, Searching,**
3 **Regulation, and Oversight**

4 FOR the purpose of establishing that a certain forensic genetic genealogical DNA analysis
5 and search may not be initiated without certifying certain information before a court
6 and obtaining a certain authorization; requiring a court to authorize the initiation of
7 a certain forensic genetic genealogical DNA analysis and search if certain
8 information is certified before the court; prohibiting certain biological samples
9 subjected to certain forensic genetic genealogical profile analysis to be used to
10 determine certain information about a certain donor; providing that a certain
11 forensic genetic genealogical DNA analysis and search shall only be conducted under
12 certain circumstances; requiring that the laboratory conducting certain
13 single-nucleotide polymorphisms or other sequencing-based testing has a certain
14 license; requiring certain informed consent in writing to be obtained from a certain
15 third party under certain circumstances; requiring that a person obtaining a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 informed consent have certain training within a certain period of time; requiring that
 2 a third party be informed of certain information before giving certain informed
 3 consent; prohibiting law enforcement from collecting a certain DNA sample if a third
 4 party does not consent to providing the DNA sample; providing that if investigators
 5 determine that certain persons may be certain putative perpetrators then a certain
 6 DNA sample shall be collected under certain circumstances; providing that on the
 7 completion of a certain investigation, certain criminal sentencing, or certain
 8 prosecution the court shall issue a certain order; requiring a certain genetic
 9 genealogist to turn over certain records to the investigator in a certain case;
 10 prohibiting a certain genetic genealogist from maintaining certain records; requiring
 11 the prosecutor in a certain case to maintain and disclose certain records and
 12 materials under certain circumstances; prohibiting the disclosure of certain data,
 13 profiles, and samples under certain circumstances; establishing penalties for certain
 14 violations of this Act; prohibiting a person from willfully failing to destroy certain
 15 data, profiles, or samples; providing that if certain information, profiles, or samples
 16 relating to a person are wrongfully disclosed, collected, or maintained a person may
 17 bring a certain cause of action; authorizing a prosecutor in a certain case to file a
 18 certain appeal under certain circumstances; providing that a certain defendant may
 19 seek judicial authorization for a certain forensic genetic genealogical DNA analysis
 20 and search by filing a certain affidavit; providing that certain provisions of this Act
 21 apply to any forensic genetic genealogical DNA analysis and search conducted under
 22 certain circumstances; providing that a court considering an application for a certain
 23 forensic genetic genealogical DNA analysis and search from a certain defendant shall
 24 issue a certain order under certain circumstances; providing that a certain court
 25 order issued under this Act shall contain certain information; requiring the Office of
 26 Health Care Quality to establish certain ~~criteria to satisfy certain requirements;~~
 27 licensing programs; requiring the Office of Health Care Quality to develop a certain
 28 training program and identify and approve one or more genetic counselors to
 29 administer certain training; requiring the Maryland Forensic Laboratory Advisory
 30 Committee to establish certain best practices and recommend certain regulations;
 31 prohibiting any restrictions from being placed on a certain laboratory or genetic
 32 genealogist prior to the establishment of a certain licensing program; requiring that
 33 certain laboratories and genetic genealogists apply for a certain license within a
 34 certain time; requiring the ~~Department of Public Safety and Correctional Services~~
 35 Governor's Office of Crime Prevention, Youth, and Victim Services to produce a
 36 certain annual report; requiring a certain panel with certain members to review a
 37 certain annual report and make policy recommendations; defining certain terms; and
 38 generally relating to forensic genetic genealogical DNA.

39 BY adding to

40 Article – Criminal Procedure

41 Section 17–101 through 17–105 to be under the new title “Title 17. Forensic
 42 Genealogy”

43 Annotated Code of Maryland

44 (2018 Replacement Volume and 2020 Supplement)

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

3 **Article – Criminal Procedure**

4 **TITLE 17. FORENSIC GENEALOGY.**

5 **17-101.**

6 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “CODIS” HAS THE MEANING STATED IN § 2-501 OF THE PUBLIC SAFETY
9 ARTICLE.

10 (C) “DIRECT-TO-CONSUMER GENETIC GENEALOGY SERVICES” MEANS
11 GENETIC GENEALOGY SERVICES THAT ARE OFFERED BY PRIVATE COMPANIES
12 DIRECTLY TO ~~CONSUMERS~~ MEMBERS OF THE PUBLIC AND LAW ENFORCEMENT
13 AGENCIES RATHER THAN THROUGH CLINICAL HEALTH CARE PROVIDERS,
14 TYPICALLY VIA CUSTOMER ACCESS TO SECURE ONLINE WEBSITES.

15 (D) “FGG PROFILE” MEANS A GENETIC PROFILE USING SNPs OR OTHER
16 SEQUENCING METHODS GENERATED FROM A FORENSIC OR REFERENCE SAMPLE BY
17 A LABORATORY FOR THE PURPOSE OF CONDUCTING ~~A~~ AN FGGS.

18 (E) “FORENSIC GENETIC GENEALOGICAL DNA ANALYSIS AND SEARCH” OR
19 “FGGS” MEANS:

20 (1) THE FORENSIC GENETIC GENEALOGICAL DNA ANALYSIS ~~OF A~~
21 ~~FORENSIC OR REFERENCE SAMPLE~~ OF BIOLOGICAL MATERIAL USING SNP OR
22 OTHER SEQUENCING TECHNIQUES TO DEVELOP ~~A~~ AN FGG PROFILE~~;~~

23 (2) A SUBSEQUENT SEARCH USING THE FGG PROFILE IN A PUBLICLY
24 AVAILABLE OPEN-DATA PERSONAL GENOMICS DATABASE~~;~~ OR A
25 DIRECT-TO-CONSUMER GENETIC GENEALOGY SERVICE TO FIND INDIVIDUALS
26 RELATED TO THE SOURCE OF THE FGG PROFILE ~~AND;~~ AND

27 (3) A GENEALOGICAL SEARCH USING PUBLIC RECORDS AND OTHER
28 LAWFUL MEANS TO OBTAIN INFORMATION IN ACCORDANCE WITH ~~THE REGULATIONS~~
29 ~~UNDER~~ THIS TITLE.

30 (F) (1) “FORENSIC SAMPLE” MEANS BIOLOGICAL MATERIAL
31 REASONABLY BELIEVED BY INVESTIGATORS TO HAVE BEEN DEPOSITED BY A

1 PUTATIVE PERPETRATOR AND THAT WAS COLLECTED FROM A CRIME SCENE, OR A
2 PERSON, AN ITEM, OR A LOCATION CONNECTED TO THE CRIMINAL EVENT.

3 (2) "FORENSIC SAMPLE" INCLUDES ~~THE~~ BIOLOGICAL MATERIAL
4 FROM UNIDENTIFIED HUMAN REMAINS OF A SUSPECTED HOMICIDE VICTIM.

5 (G) "PUBLICLY AVAILABLE OPEN-DATA PERSONAL GENOMICS DATABASE"
6 MEANS A DATABASE IN WHICH PERSONS VOLUNTARILY SUBMIT THEIR GENOMICS
7 DATA OR GENETIC PROFILES, TYPICALLY PROCESSED THROUGH
8 DIRECT-TO-CONSUMER GENETIC GENEALOGY SERVICES, FOR THE PURPOSES OF
9 COMPARISON OR SEARCHING AGAINST THE GENETIC PROFILES OF OTHER
10 INDIVIDUALS TO EVALUATE POTENTIAL FAMILIAL RELATIONSHIPS BETWEEN THE
11 REFERENCE SAMPLE AND OTHER SERVICE USER SAMPLES.

12 (H) "PUTATIVE PERPETRATOR" MEANS ONE OR MORE CRIMINAL ACTORS
13 REASONABLY BELIEVED BY INVESTIGATORS TO HAVE COMMITTED THE CRIME
14 UNDER INVESTIGATION AND TO BE THE SOURCE OF, OR A CONTRIBUTOR TO, A
15 FORENSIC SAMPLE DEPOSITED DURING, OR INCIDENT TO, DURING OR INCIDENT TO
16 THE COMMISSION OF A CRIME.

17 (I) "REASONABLE INVESTIGATIVE LEADS" MEANS CREDIBLE,
18 CASE-SPECIFIC FACTS, INFORMATION, OR CIRCUMSTANCES THAT WOULD LEAD A
19 REASONABLY CAUTIOUS INVESTIGATOR TO BELIEVE THAT THE PURSUIT WOULD
20 HAVE A FAIR PROBABILITY OF IDENTIFYING A PUTATIVE PERPETRATOR.

21 (J) "REFERENCE SAMPLE" MEANS BIOLOGICAL MATERIAL FROM A KNOWN
22 SOURCE.

23 (K) (1) "SINGLE-NUCLEOTIDE POLYMORPHISMS" OR "SNPs" MEANS
24 DNA SEQUENCE VARIATIONS THAT OCCUR WHEN A SINGLE NUCLEOTIDE (A, T, G,
25 OR C) IN A GENOMIC SEQUENCE ~~IS ALTERED AND VARIES.~~ THESE VARIATIONS

26 (2) "SINGLE-NUCLEOTIDE POLYMORPHISMS" INCLUDES VARIATIONS
27 THAT MAY BE USED TO DISTINGUISH PEOPLE FOR PURPOSES OF BIOLOGICAL
28 RELATIONSHIP TESTING.

29 (L) "STR DNA PROFILE" MEANS A GENETIC PROFILE THAT EXAMINES
30 GENETIC LOCATIONS ON THE NON-SEX CHROMOSOMES THAT ARE USED FOR THE
31 STATEWIDE DNA DATA BASE SYSTEM OR THE NATIONAL DNA DATA BASE SYSTEM.

32 (M) "THIRD PARTY" MEANS A PERSON WHO IS NOT A SUSPECT IN THE
33 INVESTIGATION.

1 (A) (1) FGGS MAY NOT BE INITIATED WITHOUT JUDICIAL
2 AUTHORIZATION AND WITHOUT CERTIFYING BEFORE THE COURT THAT THE
3 FORENSIC SAMPLE AND THE CRIMINAL CASE SATISFY THE CRITERIA ~~PROVIDED FOR~~
4 ~~UNDER~~ SET FORTH IN THIS SECTION.

5 (2) IF AN FGGS IS CERTIFIED BEFORE A COURT IN ACCORDANCE
6 WITH THIS SECTION, THE COURT SHALL AUTHORIZE THE INITIATION OF THE FGGS.

7 (B) A SWORN AFFIDAVIT SHALL BE SUBMITTED BY A LAW ENFORCEMENT
8 AGENT WITH APPROVAL OF A PROSECUTOR FROM THE RELEVANT JURISDICTION
9 ASSERTING ~~THE FOLLOWING~~ THAT:

10 (1) ~~THE CRIME IS A MURDER, FELONY SEXUAL ASSAULT, OR AN~~
11 ~~ATTEMPT TO COMMIT A VIOLENT CRIME OTHER THAN HOMICIDE OR SEXUAL~~
12 ~~ASSAULT AND THE CIRCUMSTANCES SURROUNDING THE CRIMINAL ACT OR ACTS~~
13 ~~PRESENT~~ THE COMMISSION OF, OR THE ATTEMPT TO COMMIT, MURDER, RAPE, A
14 FELONY SEXUAL OFFENSE, KIDNAPPING, HUMAN TRAFFICKING, OR A CRIMINAL ACT
15 INVOLVING CIRCUMSTANCES PRESENTING A SUBSTANTIAL AND ONGOING THREAT
16 TO PUBLIC SAFETY OR NATIONAL SECURITY;

17 (2) THE FORENSIC SAMPLE TO BE SUBJECTED TO THE FGGS IS
18 BIOLOGICAL MATERIAL REASONABLY BELIEVED BY INVESTIGATORS TO HAVE BEEN
19 DEPOSITED BY A PUTATIVE PERPETRATOR AND THAT THE FORENSIC SAMPLE WAS
20 COLLECTED FROM:

21 (I) A CRIME SCENE;

22 (II) A PERSON, AN ITEM, OR A LOCATION CONNECTED TO THE
23 CRIMINAL EVENT, ~~OR;~~ OR

24 (III) THE UNIDENTIFIED HUMAN REMAINS OF A SUSPECTED
25 HOMICIDE VICTIM;

26 (3) AN STR DNA PROFILE HAS ALREADY BEEN DEVELOPED FROM
27 THE FORENSIC SAMPLE, WAS ENTERED INTO THE STATEWIDE DNA DATA BASE
28 SYSTEM AND THE NATIONAL DNA DATA BASE SYSTEM, AND FAILED TO IDENTIFY A
29 KNOWN INDIVIDUAL; AND

30 (4) UNLESS THE CRIME BEING INVESTIGATED PRESENTS AN ONGOING
31 THREAT TO PUBLIC SAFETY OR NATIONAL SECURITY CONCERNS, REASONABLE
32 INVESTIGATIVE LEADS HAVE BEEN ~~TRIED~~ PURSUED AND FAILED TO IDENTIFY THE
33 PERPETRATOR.

1 (C) BIOLOGICAL SAMPLES SUBJECTED TO FGG DNA ANALYSIS, ~~EITHER~~
2 WHETHER THE FORENSIC SAMPLE OR THIRD PARTY REFERENCE SAMPLES, MAY NOT
3 BE USED TO DETERMINE THE SAMPLE DONOR'S GENETIC PREDISPOSITION FOR
4 DISEASE OR ANY OTHER MEDICAL CONDITION OR PSYCHOLOGICAL TRAIT.

5 (D) FGGs MAY ONLY BE CONDUCTED USING A DIRECT-TO-CONSUMER OR
6 PUBLICLY AVAILABLE OPEN-DATA PERSONAL GENOMICS DATABASE THAT:

7 (1) PROVIDES EXPLICIT NOTICE TO ITS SERVICE USERS AND THE
8 PUBLIC THAT LAW ENFORCEMENT MAY USE ITS SERVICE SITES TO INVESTIGATE
9 CRIMES OR TO IDENTIFY ~~UNIDENTIFIED~~ HUMAN REMAINS; AND

10 (2) SEEKS ACKNOWLEDGMENT AND CONSENT FROM ITS SERVICE
11 USERS REGARDING THE SUBSTANCE OF THE NOTICE DESCRIBED IN ITEM (1) OF THIS
12 SUBSECTION.

13 (E) THE LABORATORY CONDUCTING SNP OR OTHER SEQUENCING-BASED
14 TESTING AND THE GENETIC GENEALOGIST PARTICIPATING IN ~~THE~~ FGGs SHALL BE
15 LICENSED BY THE OFFICE OF HEALTH CARE QUALITY IN ACCORDANCE WITH §
16 17-104 OF THIS SUBTITLE.

17 (F) (1) (I) ~~INFORMED~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS
18 PARAGRAPH, INFORMED CONSENT IN WRITING SHALL BE OBTAINED FROM ANY
19 THIRD PARTY WHOSE DNA SAMPLE IS SOUGHT FOR THE PURPOSE OF ASSISTING A
20 FGGS AND ALL STATEMENTS MADE IN OBTAINING THE INFORMED CONSENT SHALL
21 BE DOCUMENTED FROM BEGINNING TO END BY VIDEO OR AUDIO RECORDING.

22 (II) IF THE USE OF INFORMED CONSENT WILL COMPROMISE THE
23 INVESTIGATION AS DEMONSTRATED UNDER SUBSECTION (G)(1)(II) OF THIS
24 SECTION AND THE THIRD PARTY HAS NOT ALREADY REFUSED TO CONSENT,
25 INVESTIGATORS MAY SEEK AUTHORIZATION TO COVERTLY COLLECT A DNA SAMPLE
26 IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.

27 (2) THE PERSON OBTAINING THE INFORMED CONSENT SHALL HAVE
28 TRAINING FROM A ~~BIOETHICIST~~ GENETIC COUNSELOR APPROVED BY THE OFFICE
29 OF HEALTH CARE QUALITY UNDER § 17-104 OF THIS SUBTITLE WITHIN 1 YEAR
30 AFTER THE OFFICE OF HEALTH CARE QUALITY HAS IDENTIFIED AND APPROVED A
31 GENETIC COUNSELOR OR WITHIN 1 YEAR AFTER THE PERSON JOINS THE
32 INVESTIGATIVE UNIT CONDUCTING THE INVESTIGATION, WHICHEVER IS LATER.

33 (3) THE THIRD PARTY SHALL BE INFORMED, AT A MINIMUM, OF THE
34 FOLLOWING BEFORE GIVING INFORMED CONSENT IN WRITING:

1 (I) THE INVESTIGATION INVOLVES A CRIME SPECIFIED UNDER
2 SUBSECTION (B)(1) OF THIS SECTION;

3 (II) THE THIRD PARTY IS NOT A SUSPECT IN THE INVESTIGATION
4 AND HAS THE RIGHT TO REFUSE TO CONSENT TO THE COLLECTION OF A DNA
5 SAMPLE;

6 (III) THE LAW PROHIBITS THE COVERT COLLECTION OF A DNA
7 SAMPLE IF THE THIRD PARTY REFUSES TO CONSENT TO THE COLLECTION OF A DNA
8 SAMPLE;

9 ~~(III)~~ (IV) THE THIRD PARTY HAS BEEN IDENTIFIED THROUGH A
10 SEARCH OF A DIRECT-TO-CONSUMER OR PUBLICLY AVAILABLE OPEN-DATA
11 PERSONAL GENOMICS DATABASE AS A POTENTIAL RELATIVE OF AN INDIVIDUAL
12 BELIEVED TO HAVE COMMITTED A CRIME SPECIFIED UNDER SUBSECTION (B)(1) OF
13 THIS SECTION;

14 ~~(IV)~~ (V) INVESTIGATORS ARE SEEKING THE THIRD PARTY'S
15 DNA TO ASSIST IN IDENTIFYING THE PERSON OR PERSONS WHO COMMITTED THE
16 CRIME, OR TO IDENTIFY THE VICTIM OF A HOMICIDE, AND FOR NO OTHER PURPOSE;
17 AND

18 ~~(V)~~ (VI) 1. THE THIRD PARTY'S DNA SAMPLE AND ANY
19 INFORMATION OBTAINED FROM ITS ANALYSIS WILL BE KEPT CONFIDENTIAL IN
20 ACCORDANCE WITH A COURT ORDER DURING THE COURSE OF THE INVESTIGATION;

21 2. THE DNA SAMPLE AND ANY DATA OBTAINED FROM IT
22 WILL BE DESTROYED WHEN THE INVESTIGATION OR ANY CRIMINAL CASE ARISING
23 FROM THE INVESTIGATION ENDS; AND

24 3. IN ACCORDANCE WITH A COURT ORDER, THE THIRD
25 PARTY WILL RECEIVE NOTICE BY CERTIFIED DELIVERY THAT THE DESTRUCTION
26 HAS OCCURRED.

27 (4) IF THE THIRD PARTY DOES NOT CONSENT TO PROVIDING A
28 REFERENCE SAMPLE FOR ~~A~~ AN FGGs INVESTIGATION, LAW ENFORCEMENT MAY
29 NOT COLLECT A COVERT REFERENCE SAMPLE FROM THE INDIVIDUAL.

30 (G) (1) IF INVESTIGATORS DETERMINE THAT ONE OR MORE PERSONS
31 ~~MAY BE~~ ARE PUTATIVE PERPETRATORS OF THE CRIME UNDER INVESTIGATION AND
32 IT IS NECESSARY TO COLLECT A COVERT DNA SAMPLE FROM THE ~~PERSON, THE~~
33 ~~FOLLOWING CRITERIA SHALL BE SATISFIED~~ PUTATIVE PERPETRATOR OR A THIRD
34 PARTY;

1 ~~(1)~~ (1) THE AUTHORIZING COURT SHALL BE NOTIFIED PRIOR TO
2 THE COVERT COLLECTION OF THE PUTATIVE PERPETRATOR'S OR THE THIRD
3 PARTY'S REFERENCE SAMPLE;

4 ~~(2)~~ (II) ~~A SHOWING SHALL BE MADE TO THE SATISFACTION OF THE~~
5 ~~COURT TO DEMONSTRATE WHY A COVERT COLLECTION IS NECESSARY~~ SUBJECT TO
6 PARAGRAPH (2) OF THIS SUBSECTION, FOR A COVERT COLLECTION OF A DNA
7 SAMPLE OF A THIRD PARTY, INVESTIGATIVE AUTHORITIES SHALL PROVIDE AN
8 AFFIDAVIT TO THE COURT DEMONSTRATING THAT SEEKING INFORMED CONSENT
9 FROM A THIRD PARTY CREATES SUBSTANTIAL RISK THAT A PUTATIVE
10 PERPETRATOR WILL FLEE, THAT ESSENTIAL EVIDENCE WILL BE DESTROYED, OR
11 THAT OTHER IMMINENT OR IRREVERSIBLE HARM TO THE INVESTIGATION WILL
12 OCCUR;

13 ~~(3)~~ (III) INVESTIGATIVE AUTHORITIES SHALL MAKE A PROFFER TO
14 THE COURT EXPLAINING HOW THEY PLAN TO CONDUCT THE COVERT COLLECTION
15 IN A MANNER THAT AVOIDS UNDULY INTRUSIVE SURVEILLANCE OF INDIVIDUALS OR
16 INVASIONS TO THEIR PRIVACY AND FOLLOWS THE LAWS OF THE STATE;

17 ~~(4)~~ (IV) FOR A COVERT COLLECTION OF A DNA SAMPLE OF A
18 PUTATIVE PERPETRATOR, ANY PUTATIVE PERPETRATOR DNA SAMPLE THAT IS
19 COLLECTED COVERTLY MAY ONLY BE SUBJECTED TO AN STR TEST TO SEE IF IT
20 MATCHES ~~A~~ AN STR DNA PROFILE OBTAINED FROM A FORENSIC SAMPLE;

21 ~~(5)~~ (V) ANY COVERTLY COLLECTED DNA SAMPLE, INCLUDING
22 SNPs AND OTHER GENETIC PROFILES OR RELATED INFORMATION, THAT DOES NOT
23 MATCH THE STR DNA PROFILE OBTAINED FROM A FORENSIC SAMPLE SHALL BE
24 DESTROYED AND MAY NOT BE UPLOADED TO ANY DNA DATABASE, INCLUDING
25 LOCAL, STATE, OR FEDERAL DNA DATABASES WITHIN CODIS, OR ANY DNA
26 DATABASE NOT AUTHORIZED BY LOCAL, STATE, OR FEDERAL STATUTE; AND

27 ~~(6)~~ (VI) ~~(1)~~ 1. THE LAW ENFORCEMENT OFFICER CONDUCTING THE
28 COVERT COLLECTION ~~FROM A PUTATIVE PERPETRATOR~~ SHALL REPORT BACK TO
29 THE AUTHORIZING COURT EVERY 30 DAYS ABOUT THE PROGRESS OF THE COVERT
30 COLLECTION AND SHALL MAKE A PROFFER ABOUT FUTURE PLANS IN ACCORDANCE
31 WITH ~~PARAGRAPH (3) OF THIS SUBSECTION~~ ITEM (III) OF THIS PARAGRAPH; AND

32 ~~(H)~~ 2. WITHOUT GOOD CAUSE SHOWN, COVERT COLLECTION
33 EFFORTS TO OBTAIN A SAMPLE ~~FROM A PUTATIVE PERPETRATOR~~ SHALL CEASE
34 AFTER 6 MONTHS.

35 (2) THE FEAR THAT A THIRD PARTY WILL REFUSE INFORMED
36 CONSENT MAY NOT CONSTITUTE A BASIS FOR SEEKING COVERT COLLECTION OF A
37 DNA SAMPLE FROM THE THIRD PARTY.

1 (H) (1) ~~ON THE COMPLETION OF THE FGGS INVESTIGATION~~

2 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
3 PARAGRAPH, ON COMPLETION OF AN FGGS INVESTIGATION THAT DOES NOT
4 RESULT IN A PROSECUTION OR RESULTS IN AN ACQUITTAL, OR ON COMPLETION OF
5 A SENTENCE AND POSTCONVICTION LITIGATION ASSOCIATED WITH A CONVICTION
6 OBTAINED THROUGH THE USE OF FGGS, OR ON COMPLETION OF ANY CRIMINAL
7 PROSECUTION THAT MAY ARISE FROM THE FGGS, THE AUTHORIZING COURT, OR
8 ANY COURT THAT ULTIMATELY HAS JURISDICTION OVER ANY CRIMINAL CASE THAT
9 AROSE FROM THE FGGS, SHALL ISSUE ORDERS TO ~~ENSURE THAT~~ ALL PERSONS IN
10 POSSESSION OF DNA SAMPLES GATHERED IN THE FGGS AND ALL GENETIC
11 GENEALOGY INFORMATION DERIVED FROM THE FGG ANALYSIS OF THOSE SAMPLES
12 ~~ARE DESTROYED~~ TO DESTROY THE SAMPLES AND INFORMATION.

13 (II) 1. ON THE COMPLETION OF AN FGGS INVESTIGATION,
14 THE GENETIC GENEALOGIST PARTICIPATING IN THE FGGS SHALL TURN OVER TO
15 THE INVESTIGATOR ALL RECORDS AND MATERIALS COLLECTED IN THE COURSE OF
16 THE FGGS, INCLUDING MATERIAL SOURCED FROM PUBLIC RECORDS, FAMILY
17 TREES CONSTRUCTED, AND ANY OTHER GENETIC OR NONGENETIC DATA
18 COLLECTED IN THE FGGS.

19 2. THE GENETIC GENEALOGIST MAY NOT KEEP ANY
20 RECORDS OR MATERIALS IN ANY FORM, INCLUDING DIGITAL OR HARD COPY
21 RECORDS.

22 3. THE GENETIC GENEALOGIST SHALL ENSURE THAT
23 ALL RECORDS DESCRIBED UNDER THIS SUBPARAGRAPH HAVE BEEN DELETED OR
24 REMOVED FROM ANY FGG WEBSITE.

25 4. THE PROSECUTOR SHALL RETAIN AND DISCLOSE ANY
26 RECORDS OR MATERIALS AS REQUIRED UNDER THE MARYLAND CONSTITUTION OR
27 THE UNITED STATES CONSTITUTION AND THE RULES OF DISCOVERY AS PROVIDED
28 IN MARYLAND RULES 4-262 AND 4-263, BUT MAY NOT OTHERWISE USE OR SHARE
29 THE RECORDS OR MATERIALS.

30 (2) THE COURT ORDERS SHALL INCLUDE THE REMOVAL AND
31 DESTRUCTION OF ANY FGG PROFILES PREVIOUSLY UPLOADED TO
32 DIRECT-TO-CONSUMER OR PUBLICLY AVAILABLE OPEN-DATA PERSONAL
33 GENOMICS DATABASES.

34 (3) ALL INDIVIDUALS WHO WERE NOT THE SOURCE OF THE STR DNA
35 PROFILE OBTAINED FROM THE FORENSIC SAMPLE AND WHOSE DNA WAS
36 COLLECTED THROUGH INFORMED CONSENT OR COVERTLY DURING THE COURSE OF

1 THE FGGS SHALL RECEIVE NOTICE OF THAT DESTRUCTION BY CERTIFIED
2 DELIVERY.

3 (I) (1) A PERSON MAY NOT DISCLOSE GENETIC GENEALOGY DATA, FGG
4 PROFILES, OR DNA SAMPLES NOT AUTHORIZED BY A COURT ORDER IN THE COURSE
5 OF ~~A AN~~ FGGS, OR IN THE COURSE OF ANY CRIMINAL PROCEEDING THAT ARISES
6 FROM ~~A AN~~ FGGS.

7 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
8 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
9 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000, OR BOTH, ~~IN ACCORDANCE~~
10 ~~WITH § 2-512 OF THE PUBLIC SAFETY ARTICLE.~~

11 (J) (1) A PERSON MAY NOT WILLFULLY FAIL TO DESTROY GENETIC
12 GENEALOGY INFORMATION, FGG PROFILES, OR DNA SAMPLES THAT ARE
13 REQUIRED TO BE DESTROYED IN ACCORDANCE WITH SUBSECTION (H) OF THIS
14 SECTION.

15 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
16 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
17 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH, ~~IN ACCORDANCE~~
18 ~~WITH § 2-512 OF THE PUBLIC SAFETY ARTICLE.~~

19 (K) A PERSON WHOSE GENETIC GENEALOGY INFORMATION, FGG PROFILE,
20 OR DNA SAMPLE IS WRONGFULLY DISCLOSED, COLLECTED, OR MAINTAINED IN
21 VIOLATION OF THIS SUBTITLE HAS A PRIVATE RIGHT OF ACTION UNDER RELEVANT
22 STATE LAW GUIDING TORT CLAIMS, AND IS ENTITLED TO MINIMUM LIQUIDATED
23 DAMAGES OF \$5,000 FOR A VIOLATION.

24 (L) A PROSECUTOR IN A CRIMINAL CASE THAT INVOLVES AN FGGS
25 INVESTIGATION MAY FILE WITH THE COURT OF SPECIAL APPEALS AN APPEAL FROM
26 AN INTERLOCUTORY ORDER BY A COURT THAT EXCLUDES OR SUPPRESSES
27 EVIDENCE IN THE FORM OF AN STR DNA PROFILE OBTAINED FROM THE FGGS.

28 17-103.

29 (A) A DEFENDANT IN A CRIMINAL CASE CHARGED WITH A CRIME OF
30 VIOLENCE UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE OR A DEFENDANT
31 CONVICTED OF A CRIME OF VIOLENCE UNDER § 14-101 OF THE CRIMINAL LAW
32 ARTICLE AND SEEKING POSTCONVICTION DNA TESTING IS ENTITLED TO SEEK
33 JUDICIAL AUTHORIZATION FOR ~~A AN~~ FGGS BY FILING AN AFFIDAVIT WITH A TRIAL
34 COURT OR POSTCONVICTION COURT CERTIFYING THAT ~~THE FORENSIC SAMPLE AND~~
35 ~~THE CRIMINAL CASE SATISFY THE FOLLOWING CRITERIA:~~

1 (1) THE FORENSIC SAMPLE TO BE SUBJECTED TO THE FGGS IS
2 BIOLOGICAL MATERIAL REASONABLY BELIEVED TO HAVE BEEN DEPOSITED BY A
3 PUTATIVE PERPETRATOR AND COLLECTED FROM:

4 (I) A CRIME SCENE;

5 (II) A PERSON, AN ITEM, OR A LOCATION CONNECTED TO THE
6 CRIMINAL EVENT, ~~OR;~~ OR

7 (III) THE UNIDENTIFIED HUMAN REMAINS OF A SUSPECTED
8 HOMICIDE VICTIM;

9 (2) ~~A~~ AN STR DNA PROFILE HAS ALREADY BEEN DEVELOPED FROM
10 THE FORENSIC SAMPLE, WAS ENTERED INTO THE STATE DNA DATA BASE SYSTEM
11 AND THE NATIONAL DNA DATA BASE SYSTEM, AND FAILED TO IDENTIFY A KNOWN
12 INDIVIDUAL;

13 (3) BIOLOGICAL SAMPLES SUBJECTED TO FGG DNA ANALYSIS,
14 ~~EITHER WHETHER~~ THE FORENSIC SAMPLE OR THIRD PARTY REFERENCE SAMPLES,
15 ~~MAY~~ WILL NOT BE USED TO DETERMINE THE SAMPLE DONOR'S GENETIC
16 PREDISPOSITION FOR DISEASE OR ANY OTHER MEDICAL CONDITION OR
17 PSYCHOLOGICAL TRAIT:

18 (4) ~~A~~ AN FGGS SHALL ONLY BE CONDUCTED USING A
19 DIRECT-TO-CONSUMER OR PUBLICLY AVAILABLE OPEN-DATA PERSONAL
20 GENOMICS DATABASE THAT:

21 (I) PROVIDES EXPLICIT NOTICE TO ~~THEIR~~ ITS SERVICE USERS
22 AND THE PUBLIC THAT LAW ENFORCEMENT MAY USE ~~THEIR~~ ITS SERVICE SITES TO
23 INVESTIGATE CRIMES OR TO IDENTIFY ~~UNIDENTIFIED~~ HUMAN REMAINS; AND

24 (II) SEEKS ACKNOWLEDGMENT AND CONSENT FROM ITS
25 SERVICE USERS REGARDING THE SUBSTANCE OF THE NOTICE DESCRIBED IN ITEM
26 (I) OF THIS PARAGRAPH;

27 (5) THE LABORATORY CONDUCTING SNP OR OTHER
28 SEQUENCING-BASED TESTING, AND THE GENETIC GENEALOGIST PARTICIPATING IN
29 THE FGGS, ~~HAS BEEN~~ ARE LICENSED BY THE OFFICE OF HEALTH CARE QUALITY
30 IN ACCORDANCE WITH § 17-104 OF THIS TITLE; AND

31 (6) (I) INFORMED CONSENT IN WRITING ~~IS~~ SHALL BE OBTAINED
32 FROM ANY THIRD PARTY WHOSE DNA SAMPLE IS SOUGHT FOR THE PURPOSE OF
33 ASSISTING ~~A~~ AN FGGS AND ALL REQUIREMENTS DESCRIBED IN ~~§ 17-102(F)~~ §
34 17-102(F)(1) THROUGH (3) OF THIS TITLE ARE SATISFIED; AND

1 (II) IF THE THIRD PARTY DOES NOT CONSENT TO PROVIDING A
2 REFERENCE SAMPLE FOR ~~A~~ AN FGGS INVESTIGATION, NEITHER DEFENSE NOR
3 POSTCONVICTION COUNSEL, ~~OR~~ NOR ANYONE ACTING ON THEIR BEHALF, MAY
4 COVERTLY COLLECT A REFERENCE SAMPLE FROM THE THIRD PARTY.

5 (B) (1) IF DEFENSE OR POSTCONVICTION COUNSEL DETERMINES THAT
6 ONE OR MORE PERSONS ~~MAY BE~~ ARE PUTATIVE PERPETRATORS OF THE CRIME
7 UNDER INVESTIGATION AND IT IS NECESSARY TO COLLECT A COVERT DNA SAMPLE
8 FROM THE ~~PERSON~~ PUTATIVE PERPETRATOR OR A THIRD PARTY:

9 ~~(1)~~ (I) THE AUTHORIZING COURT SHALL BE NOTIFIED PRIOR TO
10 THE COVERT COLLECTION OF THE PUTATIVE PERPETRATOR'S OR THE THIRD
11 PARTY'S REFERENCE SAMPLE;

12 ~~(2)~~ (II) ~~A SHOWING SHALL BE MADE TO THE SATISFACTION OF THE~~
13 ~~COURT TO DEMONSTRATE WHY A COVERT COLLECTION IS NECESSARY~~ SUBJECT TO
14 PARAGRAPH (2) OF THIS SUBSECTION, FOR A COVERT COLLECTION OF A DNA
15 SAMPLE OF A THIRD PARTY, INVESTIGATIVE AUTHORITIES SHALL PROVIDE AN
16 AFFIDAVIT TO THE COURT DEMONSTRATING THAT SEEKING INFORMED CONSENT
17 FROM A THIRD PARTY CREATES SUBSTANTIAL RISK THAT A PUTATIVE
18 PERPETRATOR WILL FLEE, THAT ESSENTIAL EVIDENCE WILL BE DESTROYED, OR
19 THAT OTHER IMMINENT OR IRREVERSIBLE HARM TO THE INVESTIGATION WILL
20 OCCUR;

21 ~~(3)~~ (III) COUNSEL SHALL MAKE A PROFFER TO THE COURT
22 EXPLAINING HOW COUNSEL PLANS TO CONDUCT THE COVERT COLLECTION IN A
23 MANNER THAT AVOIDS UNDULY INTRUSIVE SURVEILLANCE OF INDIVIDUALS OR
24 INVASIONS TO THEIR PRIVACY AND FOLLOWS THE LAWS OF THE STATE;

25 ~~(4)~~ (IV) FOR A COVERT COLLECTION OF A DNA SAMPLE OF A
26 PUTATIVE PERPETRATOR, ANY PUTATIVE PERPETRATOR DNA SAMPLE THAT IS
27 COLLECTED COVERTLY MAY ONLY BE SUBJECTED TO AN STR TEST TO SEE IF IT
28 MATCHES AN STR DNA PROFILE OBTAINED FROM A FORENSIC SAMPLE;

29 ~~(5)~~ (V) ANY COVERTLY COLLECTED DNA SAMPLE, INCLUDING
30 SNPs AND OTHER GENETIC PROFILES OR RELATED INFORMATION, THAT DOES NOT
31 MATCH THE STR DNA PROFILE OBTAINED FROM A FORENSIC SAMPLE SHALL BE
32 DESTROYED AND MAY NOT BE UPLOADED TO ANY DNA DATABASE, INCLUDING
33 LOCAL, STATE, OR FEDERAL DNA DATABASES WITHIN CODIS, OR ANY DNA
34 DATABASE NOT AUTHORIZED BY LOCAL, STATE, OR FEDERAL STATUTE; AND

35 ~~(6)~~ (VI) 1. DEFENSE OR POSTCONVICTION COUNSEL
36 CONDUCTING THE COVERT COLLECTION ~~FROM A PUTATIVE PERPETRATOR~~ SHALL

1 REPORT BACK TO THE AUTHORIZING COURT EVERY 30 DAYS ABOUT THE PROGRESS
2 OF THE COVERT COLLECTION AND SHALL MAKE A PROFFER ABOUT FUTURE PLANS
3 IN ACCORDANCE WITH ~~§ 17-102(c)(3) OF THIS TITLE~~ ITEM (III) OF THIS PARAGRAPH;
4 AND

5 ~~(7)~~ 2. WITHOUT GOOD CAUSE SHOWN, COVERT COLLECTION
6 EFFORTS TO OBTAIN A SAMPLE ~~FROM A PUTATIVE PERPETRATOR~~ SHALL CEASE
7 AFTER 6 MONTHS.

8 (2) THE FEAR THAT A THIRD PARTY WILL REFUSE INFORMED
9 CONSENT MAY NOT CONSTITUTE A BASIS FOR SEEKING COVERT COLLECTION OF A
10 DNA SAMPLE FROM THE THIRD PARTY.

11 (3) ANY INDIVIDUAL ACTING UNDER COURT SUPERVISION IN
12 ACCORDANCE WITH THIS SUBSECTION SHALL BE TREATED AS AN AGENT OF THE
13 STATE FOR PURPOSES OF ENFORCING STATE AND FEDERAL CONSTITUTIONAL
14 PROTECTIONS.

15 (c) (1) THE STATE SHALL BE NOTIFIED THAT AN APPLICATION FOR
16 JUDICIAL AUTHORIZATION TO CONDUCT ~~A~~ AN FGGS HAS BEEN MADE BY DEFENSE
17 OR POSTCONVICTION COUNSEL AND A COPY OF THE APPLICATION SHALL BE SERVED
18 ON THE STATE AT THE TIME THE APPLICATION IS FILED UNLESS THE APPLICANT IS
19 ALSO REQUESTING PERMISSION FROM THE COURT TO REDACT CERTAIN PORTIONS
20 OF THE APPLICATION.

21 (2) ONCE A COURT HAS RULED ON THE MOTION FOR REDACTIONS, A
22 COPY OF THE APPLICATION SHALL BE SERVED ON THE STATE WITHIN 5 DAYS OF
23 RECEIPT OF THE COURT ORDER.

24 (3) THE AUTHORIZING COURT SHALL ENSURE THAT THE STATE IS
25 INFORMED OF THE PROGRESS OF THE FGGS UNLESS DEFENSE COUNSEL OR
26 POSTCONVICTION COUNSEL CAN SHOW GOOD CAUSE AS TO WHY THAT INFORMATION
27 MAY NOT BE DISCLOSED.

28 (d) THE PROVISIONS OF § 17-102(H) THROUGH (K) OF THIS TITLE APPLY TO
29 ANY FGGS CONDUCTED BY DEFENSE OR POSTCONVICTION COUNSEL.

30 (e) A COURT CONSIDERING AN APPLICATION FOR ~~A~~ AN FGGS FROM A
31 CRIMINAL DEFENDANT SHALL ISSUE THE ORDER ON A SHOWING THAT TESTING HAS
32 THE SCIENTIFIC POTENTIAL TO PRODUCE EXCULPATORY OR MITIGATING EVIDENCE
33 AND THE DEFENDANT HAS COMPLIED WITH ALL OTHER REQUIREMENTS OF THIS
34 SECTION.

1 (F) A COURT ORDER ISSUED IN ACCORDANCE WITH SUBSECTION ~~(K)~~ (E) OF
2 THIS SECTION SHALL INCORPORATE ALL CERTIFICATIONS MADE IN SUBSECTIONS
3 (A) THROUGH (C) OF THIS SECTION AND MAY DESCRIBE THE SPECIFIC ITEMS OF
4 EVIDENCE TO BE TESTED, DESIGNATE THE SPECIFIC LABORATORY FACILITY TO BE
5 USED FOR THE DNA TESTING, AND DESIGNATE THE CONDITIONS UNDER WHICH
6 CONSUMPTIVE TESTING CAN OCCUR.

7 17-104.

8 (A) THE OFFICE OF HEALTH CARE QUALITY SHALL ESTABLISH ~~THE~~
9 ~~CRITERIA THAT MUST BE MET BY DIRECT TO CONSUMER GENETIC GENEALOGY~~
10 ~~SERVICES.~~

11 ~~(B) A CERTIFICATION PROGRAM SHALL BE ESTABLISHED BY THE OFFICE~~
12 ~~OF HEALTH CARE QUALITY TO:~~

13 (1) ~~LICENSE~~ A LICENSING PROGRAM FOR LABORATORIES MUST
14 ~~BEGIN~~ PERFORMING SNP OR OTHER SEQUENCING BASED TESTING ON EVIDENCE IN
15 SUPPORT OF FGGS ON OR BEFORE OCTOBER 1, 2022; AND

16 (2) ~~LICENSE~~ A LICENSING PROGRAM FOR INDIVIDUALS MUST BEGIN
17 PERFORMING GENETIC GENEALOGY ON OR BEFORE OCTOBER 1, 2024.

18 (B) THE OFFICE OF HEALTH CARE QUALITY SHALL:

19 (1) DEVELOP A TRAINING PROGRAM ON OBTAINING INFORMED
20 CONSENT UNDER §§ 17-102 AND 17-103 OF THIS SUBTITLE; AND

21 (2) IDENTIFY AND APPROVE ONE OR MORE GENETIC COUNSELORS TO
22 ADMINISTER THE TRAINING.

23 (C) THE MARYLAND FORENSIC LABORATORY ADVISORY COMMITTEE
24 SHALL:

25 (1) ESTABLISH BEST PRACTICES FOR LABORATORIES PERFORMING
26 SNP OR OTHER SEQUENCING BASED METHODS; AND

27 (2) RECOMMEND REGULATIONS THAT ESTABLISH MINIMUM
28 QUALIFICATIONS FOR INDIVIDUALS PERFORMING GENETIC GENEALOGY.

29 (D) ~~IF A LABORATORY IS APPROVED FOR A LICENSE BY THE OFFICE OF~~
30 ~~HEALTH CARE QUALITY PRIOR TO THE REGULATIONS ESTABLISHED UNDER THIS~~
31 ~~SECTION BEING ADOPTED, THE LABORATORY SHALL REAPPLY FOR A LICENSE~~

1 **(1) PROHIBITIONS MAY NOT BE PLACED ON ANY LABORATORY**
2 **CONDUCTING SNP OR OTHER SEQUENCING-BASED TESTING OR ON GENETIC**
3 **GENEALOGISTS PARTICIPATING IN AN FGGS BEFORE THE RELEVANT LICENSING**
4 **PROGRAM IS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.**

5 **(2) WITHIN 1 YEAR AFTER THE OFFICE OF HEALTH CARE QUALITY**
6 **ESTABLISHES THE RELEVANT LICENSING PROGRAM UNDER SUBSECTION (A) OF**
7 **THIS SECTION, LABORATORIES CONDUCTING SNP OR OTHER SEQUENCING-BASED**
8 **TESTING AND GENETIC GENEALOGISTS PARTICIPATING IN AN FGGS SHALL APPLY**
9 **FOR THE LICENSE REQUIRED.**

10 **(E) NEITHER THE LABORATORY CONDUCTING SNP OR OTHER SEQUENCING**
11 **BASED TESTING, NOR A LAW ENFORCEMENT OFFICIAL, MAY DISCLOSE GENETIC**
12 **GENEALOGY INFORMATION WITHOUT AUTHORIZATION.**

13 **17-105.**

14 **~~(A) IN ACCORDANCE WITH § 2-513 OF THE COURTS ARTICLE, THE~~**
15 **~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ON OR BEFORE~~**
16 **~~JUNE 1 ANNUALLY, THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND~~**
17 **~~VICTIM SERVICES SHALL SUBMIT A PUBLICLY AVAILABLE ANNUAL REPORT TO THE~~**
18 **~~GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT~~**
19 **~~ARTICLE, THE GENERAL ASSEMBLY, THAT SHALL INCLUDE, FOR THE PRECEDING~~**
20 **~~CALENDAR YEAR:~~**

21 **(1) THE NUMBER OF REQUESTS FOR ~~FCG~~ FGGS AND THE RELATED**
22 **DOCUMENTATION MADE, BROKEN DOWN BY NUMBER OF REQUESTS MADE BY**
23 **PROSECUTORS, PRE-TRIAL DEFENDANTS, AND POSTCONVICTION DEFENDANTS;**

24 **(2) THE NUMBER OF TIMES ~~FCG~~ FGGS WAS GRANTED AND THE**
25 **BASIS OF EACH GRANT OR DENIAL;**

26 **(3) THE NUMBER OF PUTATIVE PERPETRATORS IDENTIFIED**
27 **THROUGH ~~FCG~~ FGGS;**

28 **(4) THE NUMBER OF COVERT COLLECTIONS OF REFERENCE SAMPLES**
29 **FROM PUTATIVE PERPETRATORS, A DESCRIPTION OF THE METHODS USED DURING**
30 **THE COVERT COLLECTION, THE TIME PERIOD NEEDED TO PERFORM THE COVERT**
31 **COLLECTION, ANY COMPLAINTS FROM INDIVIDUALS SUBJECT TO SURVEILLANCE**
32 **DURING THE COVERT COLLECTIONS, AND ANY COMPLAINTS OR SUGGESTIONS FROM**
33 **JUDGES SUPERVISING THE COVERT COLLECTIONS;**

1 **(5) AN EVALUATION OF THE “PURSUED REASONABLE INVESTIGATIVE**
 2 **LEADS” REQUIREMENT IN ACCORDANCE WITH § 17-102(B)(4) OF THIS TITLE,**
 3 **INCLUDING SCIENTIFIC, PUBLIC, AND NONFORENSIC;**

4 **(6) THE COSTS OF THE FGGS PROCEDURES;**

5 **(7) THE RACE AND AGE OF THOSE IDENTIFIED AS PUTATIVE**
 6 **PERPETRATORS;**

7 **(8) THE NUMBER OF TIMES A THIRD PARTY REFERENCE SAMPLE WAS**
 8 **REQUESTED AND COLLECTED, AND THE RACE AND AGE OF THE THIRD PARTIES;**

9 **(9) THE NUMBER OF REQUESTS MADE BY DEFENDANTS AND**
 10 **POSTCONVICTION LAWYERS; AND**

11 **(10) ~~WHETHER THE SEARCHES ULTIMATELY RESULTED IN ARRESTS OR~~**
 12 **~~CONVICTIONS OF PEOPLE IDENTIFIED THROUGH THE GENETIC GENEALOGY SEARCH~~**
 13 **THE OUTCOME OF EACH AUTHORIZED SEARCH, INCLUDING WHETHER THE SEARCH**
 14 **RESULTED IN AN ARREST OR A CONVICTION FOR THE TARGET OFFENSE.**

15 **(B) A PANEL COMPRISING JUDGES, PROSECUTORS, DEFENSE ATTORNEYS,**
 16 **PUBLIC DEFENDERS, LAW ENFORCEMENT OFFICIALS, CRIME LABORATORY**
 17 **DIRECTORS, BIOETHICISTS, RACIAL JUSTICE EXPERTS, CRIMINAL JUSTICE**
 18 **RESEARCHERS, CIVIL AND PRIVACY RIGHTS ORGANIZATIONS, AND ORGANIZATIONS**
 19 **REPRESENTING FAMILIES IMPACTED BY THE CRIMINAL JUSTICE SYSTEM, SHALL BE**
 20 **CONVENED TO REVIEW THE ANNUAL REPORT EACH YEAR AND MAKE POLICY**
 21 **RECOMMENDATIONS.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 23 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.