

SENATE BILL 187

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(PRE-FILED)

1lr1434
CF HB 240

By: **Senator Sydnor**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2021

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
16 informed consent have certain training within a certain period of time; requiring that
17 a third party be informed of certain information before giving certain informed
18 consent; prohibiting law enforcement from collecting a certain DNA sample if a third
19 party does not consent to providing the DNA sample; providing that if investigators
20 determine that certain persons may be certain putative perpetrators then a certain
21 DNA sample shall be collected under certain circumstances; providing that on the
22 completion of a certain investigation, certain criminal sentencing, or certain
23 prosecution the court shall issue a certain order; requiring a certain genetic
24 genealogist to turn over certain records to the investigator in a certain case;

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.



1 prohibiting a certain genetic genealogist from maintaining certain records; requiring
 2 the prosecutor in a certain case to maintain and disclose certain records and
 3 materials under certain circumstances; prohibiting the disclosure of certain data,
 4 profiles, and samples under certain circumstances; establishing penalties for certain
 5 violations of this Act; prohibiting a person from willfully failing to destroy certain
 6 data, profiles, or samples; providing that if certain information, profiles, or samples
 7 relating to a person are wrongfully disclosed, collected, or maintained a person may
 8 bring a certain cause of action; authorizing a prosecutor in a certain case to file a
 9 certain appeal under certain circumstances; providing that a certain defendant may
 10 seek judicial authorization for a certain forensic genetic genealogical DNA analysis
 11 and search by filing a certain affidavit; providing that certain provisions of this Act
 12 apply to any forensic genetic genealogical DNA analysis and search conducted under
 13 certain circumstances; providing that a court considering an application for a certain
 14 forensic genetic genealogical DNA analysis and search from a certain defendant shall
 15 issue a certain order under certain circumstances; providing that a certain court
 16 order issued under this Act shall contain certain information; requiring the Office of
 17 Health Care Quality to establish certain ~~criteria to satisfy certain requirements;~~
 18 licensing programs; requiring the Office of Health Care Quality to develop a certain
 19 training program and identify and approve one or more genetic counselors to
 20 administer certain training; requiring the Maryland Forensic Laboratory Advisory
 21 Committee to establish certain best practices and recommend certain regulations;
 22 prohibiting any restrictions from being placed on a certain laboratory or genetic
 23 genealogist prior to the establishment of a certain licensing program; requiring that
 24 certain laboratories and genetic genealogists apply for a certain license within a
 25 certain time; requiring the ~~Department of Public Safety and Correctional Services~~
 26 Governor's Office of Crime Prevention, Youth, and Victim Services to produce a
 27 certain annual report; requiring a certain panel with certain members to review a
 28 certain annual report and make policy recommendations; defining certain terms; and
 29 generally relating to forensic genetic genealogical DNA.

30 BY adding to

31 Article – Criminal Procedure

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

34 Annotated Code of Maryland

35 (2018 Replacement Volume and 2020 Supplement)

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

38 **Article – Criminal Procedure**

39 **TITLE 17. FORENSIC GENEALOGY.**

40 **17–101.**

1 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "CODIS" HAS THE MEANING STATED IN § 2-501 OF THE PUBLIC SAFETY
4 ARTICLE.

5 (C) "DIRECT-TO-CONSUMER GENETIC GENEALOGY SERVICES" MEANS
6 GENETIC GENEALOGY SERVICES THAT ARE OFFERED BY PRIVATE COMPANIES
7 DIRECTLY TO ~~CONSUMERS~~ MEMBERS OF THE PUBLIC AND LAW ENFORCEMENT
8 AGENCIES RATHER THAN THROUGH CLINICAL HEALTH CARE PROVIDERS,
9 TYPICALLY VIA CUSTOMER ACCESS TO SECURE ONLINE WEBSITES.

10 (D) "FGG PROFILE" MEANS A GENETIC PROFILE USING SNPs OR OTHER
11 SEQUENCING METHODS GENERATED FROM A FORENSIC OR REFERENCE SAMPLE BY
12 A LABORATORY FOR THE PURPOSE OF CONDUCTING ~~A~~ AN FGGS.

13 (E) "FORENSIC GENETIC GENEALOGICAL DNA ANALYSIS AND SEARCH" OR
14 "FGGS" MEANS:

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

18 (2) A SUBSEQUENT SEARCH USING THE FGG PROFILE IN A PUBLICLY
19 AVAILABLE OPEN-DATA PERSONAL GENOMICS DATABASE, OR A
20 DIRECT-TO-CONSUMER GENETIC GENEALOGY SERVICE TO FIND INDIVIDUALS
21 RELATED TO THE SOURCE OF THE FGG PROFILE ~~AND;~~ AND

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

25 (F) (1) "FORENSIC SAMPLE" MEANS BIOLOGICAL MATERIAL
26 REASONABLY BELIEVED BY INVESTIGATORS TO HAVE BEEN DEPOSITED BY A
27 PUTATIVE PERPETRATOR AND THAT WAS COLLECTED FROM A CRIME SCENE, OR A
28 PERSON, AN ITEM, OR A LOCATION CONNECTED TO THE CRIMINAL EVENT.

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

31 (G) "PUBLICLY AVAILABLE OPEN-DATA PERSONAL GENOMICS DATABASE"
32 MEANS A DATABASE IN WHICH PERSONS VOLUNTARILY SUBMIT THEIR GENOMICS
33 DATA OR GENETIC PROFILES, TYPICALLY PROCESSED THROUGH
34 DIRECT-TO-CONSUMER GENETIC GENEALOGY SERVICES, FOR THE PURPOSES OF

1 COMPARISON OR SEARCHING AGAINST THE GENETIC PROFILES OF OTHER
2 INDIVIDUALS TO EVALUATE POTENTIAL FAMILIAL RELATIONSHIPS BETWEEN THE
3 REFERENCE SAMPLE AND OTHER SERVICE USER SAMPLES.

4 (H) "PUTATIVE PERPETRATOR" MEANS ONE OR MORE CRIMINAL ACTORS
5 REASONABLY BELIEVED BY INVESTIGATORS TO HAVE COMMITTED THE CRIME
6 UNDER INVESTIGATION AND TO BE THE SOURCE OF, OR A CONTRIBUTOR TO, A
7 FORENSIC SAMPLE DEPOSITED DURING, OR INCIDENT TO, DURING OR INCIDENT TO
8 THE COMMISSION OF A CRIME.

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

13 (J) "REFERENCE SAMPLE" MEANS BIOLOGICAL MATERIAL FROM A KNOWN
14 SOURCE.

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

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

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

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

26 17-102.

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

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

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

4 (1) ~~THE CRIME IS A MURDER, FELONY SEXUAL ASSAULT, OR AN~~
5 ~~ATTEMPT TO COMMIT A VIOLENT CRIME OTHER THAN HOMICIDE OR SEXUAL~~
6 ~~ASSAULT AND THE CIRCUMSTANCES SURROUNDING THE CRIMINAL ACT OR ACTS~~
7 ~~PRESENT~~ THE COMMISSION OF, OR THE ATTEMPT TO COMMIT, MURDER, RAPE, A
8 FELONY SEXUAL OFFENSE, OR A CRIMINAL ACT INVOLVING CIRCUMSTANCES
9 PRESENTING A SUBSTANTIAL AND ONGOING THREAT TO PUBLIC SAFETY OR
10 NATIONAL SECURITY;

11 (2) THE FORENSIC SAMPLE TO BE SUBJECTED TO THE FGGS IS
12 BIOLOGICAL MATERIAL REASONABLY BELIEVED BY INVESTIGATORS TO HAVE BEEN
13 DEPOSITED BY A PUTATIVE PERPETRATOR AND THAT THE FORENSIC SAMPLE WAS
14 COLLECTED FROM:

15 (I) A CRIME SCENE;

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

18 (III) THE UNIDENTIFIED HUMAN REMAINS OF A SUSPECTED
19 HOMICIDE VICTIM;

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

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

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

32 (D) FGGS MAY ONLY BE CONDUCTED USING A DIRECT-TO-CONSUMER OR
33 PUBLICLY AVAILABLE OPEN-DATA PERSONAL GENOMICS DATABASE THAT:

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

4 **(2) SEEKS ACKNOWLEDGEMENT AND CONSENT FROM ITS SERVICE**
5 **USERS REGARDING THE SUBSTANCE OF THE NOTICE DESCRIBED IN ITEM (1) OF THIS**
6 **SUBSECTION.**

7 **(E) THE LABORATORY CONDUCTING SNP OR OTHER SEQUENCING-BASED**
8 **TESTING AND THE GENETIC GENEALOGIST PARTICIPATING IN ~~THE~~ FGGS SHALL BE**
9 **LICENSED BY THE OFFICE OF HEALTH CARE QUALITY IN ACCORDANCE WITH §**
10 **17-104 OF THIS SUBTITLE.**

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

16 **(II) IF THE USE OF INFORMED CONSENT WILL COMPROMISE THE**
17 **INVESTIGATION AS DEMONSTRATED UNDER SUBSECTION (G)(1)(II) OF THIS**
18 **SECTION AND THE THIRD PARTY HAS NOT ALREADY REFUSED TO CONSENT,**
19 **INVESTIGATORS MAY SEEK AUTHORIZATION TO COVERTLY COLLECT A DNA SAMPLE**
20 **IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.**

21 **(2) THE PERSON OBTAINING THE INFORMED CONSENT SHALL HAVE**
22 **TRAINING FROM A ~~BIOETHICIST~~ GENETIC COUNSELOR APPROVED BY THE OFFICE**
23 **OF HEALTH CARE QUALITY UNDER § 17-104 OF THIS SUBTITLE WITHIN 1 YEAR**
24 **AFTER THE OFFICE OF HEALTH CARE QUALITY HAS IDENTIFIED AND APPROVED A**
25 **GENETIC COUNSELOR OR WITHIN 1 YEAR AFTER THE PERSON JOINS THE**
26 **INVESTIGATIVE UNIT CONDUCTING THE INVESTIGATION, WHICHEVER IS LATER.**

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

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

31 **(II) THE THIRD PARTY IS NOT A SUSPECT IN THE INVESTIGATION**
32 **AND HAS THE RIGHT TO REFUSE TO CONSENT TO THE COLLECTION OF A DNA**
33 **SAMPLE;**

1 (III) THE LAW PROHIBITS THE COVERT COLLECTION OF A DNA
2 SAMPLE IF THE THIRD PARTY REFUSES TO CONSENT TO THE COLLECTION OF A DNA
3 SAMPLE;

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

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

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

16 2. THE DNA SAMPLE AND ANY DATA OBTAINED FROM IT
17 WILL BE DESTROYED WHEN THE INVESTIGATION OR ANY CRIMINAL CASE ARISING
18 FROM THE INVESTIGATION ENDS; AND

19 3. IN ACCORDANCE WITH A COURT ORDER, THE THIRD
20 PARTY WILL RECEIVE NOTICE BY CERTIFIED DELIVERY THAT THE DESTRUCTION
21 HAS OCCURRED.

22 (4) IF THE THIRD PARTY DOES NOT CONSENT TO PROVIDING A
23 REFERENCE SAMPLE FOR ~~A~~ AN FGG'S INVESTIGATION, LAW ENFORCEMENT MAY
24 NOT COLLECT A COVERT REFERENCE SAMPLE FROM THE INDIVIDUAL.

25 (G) (1) IF INVESTIGATORS DETERMINE THAT ONE OR MORE PERSONS
26 ~~MAY BE ARE~~ PUTATIVE PERPETRATORS OF THE CRIME UNDER INVESTIGATION AND
27 IT IS NECESSARY TO COLLECT A COVERT DNA SAMPLE FROM THE ~~PERSON, THE~~
28 ~~FOLLOWING CRITERIA SHALL BE SATISFIED~~ PUTATIVE PERPETRATOR OR A THIRD
29 PARTY:

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

33 ~~(2)~~ (II) ~~A SHOWING SHALL BE MADE TO THE SATISFACTION OF THE~~
34 ~~COURT TO DEMONSTRATE WHY A COVERT COLLECTION IS NECESSARY~~ SUBJECT TO
35 PARAGRAPH (2) OF THIS SUBSECTION, FOR A COVERT COLLECTION OF A DNA

1 SAMPLE OF A THIRD PARTY, INVESTIGATIVE AUTHORITIES SHALL PROVIDE AN
2 AFFIDAVIT TO THE COURT DEMONSTRATING THAT SEEKING INFORMED CONSENT
3 FROM A THIRD PARTY CREATES SUBSTANTIAL RISK THAT A PUTATIVE
4 PERPETRATOR WILL FLEE, THAT ESSENTIAL EVIDENCE WILL BE DESTROYED, OR
5 THAT OTHER IMMINENT OR IRREVERSIBLE HARM TO THE INVESTIGATION WILL
6 OCCUR;

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

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

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

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

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

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

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

34 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
35 PARAGRAPH, ON COMPLETION OF AN FGGS INVESTIGATION THAT DOES NOT
36 RESULT IN A PROSECUTION OR RESULTS IN AN ACQUITTAL, OR ON COMPLETION OF

1 A SENTENCE AND POSTCONVICTION LITIGATION ASSOCIATED WITH A CONVICTION
2 OBTAINED THROUGH THE USE OF FGGS, OR ON COMPLETION OF ANY CRIMINAL
3 PROSECUTION THAT MAY ARISE FROM THE FGGS, THE AUTHORIZING COURT, OR
4 ANY COURT THAT ULTIMATELY HAS JURISDICTION OVER ANY CRIMINAL CASE THAT
5 AROSE FROM THE FGGS, SHALL ISSUE ORDERS TO ~~ENSURE THAT~~ ALL PERSONS IN
6 POSSESSION OF DNA SAMPLES GATHERED IN THE FGGS AND ALL GENETIC
7 GENEALOGY INFORMATION DERIVED FROM THE FGG ANALYSIS OF THOSE SAMPLES
8 ~~ARE DESTROYED~~ TO DESTROY THE SAMPLES AND INFORMATION.

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

15 2. THE GENETIC GENEALOGIST MAY NOT KEEP ANY
16 RECORDS OR MATERIALS IN ANY FORM, INCLUDING DIGITAL OR HARD COPY
17 RECORDS.

18 3. THE GENETIC GENEALOGIST SHALL ENSURE THAT
19 ALL RECORDS DESCRIBED UNDER THIS SUBPARAGRAPH HAVE BEEN DELETED OR
20 REMOVED FROM ANY FGG WEBSITE.

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

26 (2) THE COURT ORDERS SHALL INCLUDE THE REMOVAL AND
27 DESTRUCTION OF ANY FGG PROFILES PREVIOUSLY UPLOADED TO
28 DIRECT-TO-CONSUMER OR PUBLICLY AVAILABLE OPEN-DATA PERSONAL
29 GENOMICS DATABASES.

30 (3) ALL INDIVIDUALS WHO WERE NOT THE SOURCE OF THE STR DNA
31 PROFILE OBTAINED FROM THE FORENSIC SAMPLE AND WHOSE DNA WAS
32 COLLECTED THROUGH INFORMED CONSENT OR COVERTLY DURING THE COURSE OF
33 THE FGGS SHALL RECEIVE NOTICE OF THAT DESTRUCTION BY CERTIFIED
34 DELIVERY.

35 (i) (1) A PERSON MAY NOT DISCLOSE GENETIC GENEALOGY DATA, FGG
36 PROFILES, OR DNA SAMPLES NOT AUTHORIZED BY A COURT ORDER IN THE COURSE

1 OF ~~A~~ AN FGGS, OR IN THE COURSE OF ANY CRIMINAL PROCEEDING THAT ARISES
2 FROM ~~A~~ AN FGGS.

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

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

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

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

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

24 17-103.

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

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

35 (I) A CRIME SCENE;

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

3 (III) THE UNIDENTIFIED HUMAN REMAINS OF A SUSPECTED
4 HOMICIDE VICTIM;

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

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

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

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

20 (II) SEEKS ACKNOWLEDGMENT AND CONSENT FROM ITS
21 SERVICE USERS REGARDING THE SUBSTANCE OF THE NOTICE DESCRIBED IN ITEM
22 (I) OF THIS PARAGRAPH;

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

27 (6) (I) INFORMED CONSENT IN WRITING ~~IS~~ SHALL BE OBTAINED
28 FROM ANY THIRD PARTY WHOSE DNA SAMPLE IS SOUGHT FOR THE PURPOSE OF
29 ASSISTING ~~A~~ AN FGGS AND ALL REQUIREMENTS DESCRIBED IN ~~§ 17-102(F)~~ §
30 17-102(F)(1) THROUGH (3) OF THIS TITLE ARE SATISFIED; AND

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

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

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

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

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

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

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

31 ~~(6)~~ (VI) 1. DEFENSE OR POSTCONVICTION COUNSEL
32 CONDUCTING THE COVERT COLLECTION ~~FROM A PUTATIVE PERPETRATOR~~ SHALL
33 REPORT BACK TO THE AUTHORIZING COURT EVERY 30 DAYS ABOUT THE PROGRESS
34 OF THE COVERT COLLECTION AND SHALL MAKE A PROFFER ABOUT FUTURE PLANS
35 IN ACCORDANCE WITH ~~§ 17-102(c)(3) OF THIS TITLE~~ ITEM (III) OF THIS PARAGRAPH;
36 AND

1 ~~(7)~~ 2. WITHOUT GOOD CAUSE SHOWN, COVERT COLLECTION
2 EFFORTS TO OBTAIN A SAMPLE ~~FROM A PUTATIVE PERPETRATOR~~ SHALL CEASE
3 AFTER 6 MONTHS.

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

7 (3) ANY INDIVIDUAL ACTING UNDER COURT SUPERVISION IN
8 ACCORDANCE WITH THIS SUBSECTION SHALL BE TREATED AS AN AGENT OF THE
9 STATE FOR PURPOSES OF ENFORCING STATE AND FEDERAL CONSTITUTIONAL
10 PROTECTIONS.

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

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

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

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

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

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

1 17-104.

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

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

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

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

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

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

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

17 (C) THE MARYLAND FORENSIC LABORATORY ADVISORY COMMITTEE
18 SHALL:

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

21 (2) RECOMMEND REGULATIONS THAT ESTABLISH MINIMUM
22 QUALIFICATIONS FOR INDIVIDUALS PERFORMING GENETIC GENEALOGY.

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

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

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

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

9 **17-105.**

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

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

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

22 **(3) THE NUMBER OF PUTATIVE PERPETRATORS IDENTIFIED**
23 **THROUGH ~~FCG~~ FGGS;**

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

30 **(5) AN EVALUATION OF THE "PURSUED REASONABLE INVESTIGATIVE**
31 **LEADS" REQUIREMENT IN ACCORDANCE WITH § 17-102(B)(4) OF THIS TITLE,**
32 **INCLUDING SCIENTIFIC, PUBLIC, AND NONFORENSIC;**

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

1 **(7) THE RACE AND AGE OF THOSE IDENTIFIED AS PUTATIVE**
 2 **PERPETRATORS;**

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.