

## **Article - Criminal Procedure**

§17–101.

- (a) In this title the following words have the meanings indicated.
- (b) “CODIS” has the meaning stated in § 2–501 of the Public Safety Article.
- (c) “Direct-to-consumer genetic genealogy services” means genetic genealogy services that are offered by private companies directly to members of the public and law enforcement agencies rather than through clinical health care providers, typically via customer access to secure online websites.
  - (c–1) “Express consent” has the meaning stated in § 14–4401 of the Commercial Law Article.
- (d) “FGG profile” means a genetic profile using SNPs or other sequencing methods generated from a forensic or reference sample by a laboratory for the purpose of conducting an FGGS.
- (e) “Forensic genetic genealogical DNA analysis and search” or “FGGS” means:
  - (1) the forensic genetic genealogical DNA analysis of biological material using SNP or other sequencing techniques to develop an FGG profile;
  - (2) a subsequent search using the FGG profile in a publicly available open-data personal genomics database or a direct-to-consumer genetic genealogy service to find individuals related to the source of the FGG profile; and
  - (3) a genealogical search using public records and other lawful means to obtain information in accordance with this title.
- (f)
  - (1) “Forensic sample” means biological material reasonably believed by investigators to have been deposited by a putative perpetrator and that was collected from a crime scene or a person, an item, or a location connected to the criminal event.
  - (2) “Forensic sample” includes biological material from unidentified human remains.
- (g) “Publicly available open-data personal genomics database” means a database in which persons voluntarily submit their genomics data or genetic profiles, typically processed through direct-to-consumer genetic genealogy services, for the

purposes of comparison or searching against the genetic profiles of other individuals to evaluate potential familial relationships between the reference sample and other service user samples.

(h) “Putative perpetrator” means one or more criminal actors reasonably believed by investigators to have committed the crime under investigation and to be the source of, or a contributor to, a forensic sample deposited during or incident to the commission of a crime.

(i) “Reasonable investigative leads” means credible, case-specific facts, information, or circumstances that would lead a reasonably cautious investigator to believe that the pursuit would have a fair probability of identifying a putative perpetrator.

(j) “Reference sample” means biological material from a known source.

(k) (1) “Single-nucleotide polymorphisms” or “SNPs” means DNA sequence variations that occur when a single nucleotide (A, T, G, or C) in a genomic sequence varies.

(2) “Single-nucleotide polymorphisms” includes variations that may be used to distinguish people for purposes of biological relationship testing.

(l) “STR DNA profile” means a genetic profile that examines genetic locations on the non-sex chromosomes that are used for the statewide DNA database system or the national DNA database system.

(m) “Third party” means a person who is not a suspect in the investigation.