

Chapter 135

(House Bill 301)

AN ACT concerning

**Criminal Procedure – Forensic Genetic Genealogical DNA Analysis and Search –
Affidavit for Judicial Authorization**

FOR the purpose of altering *and clarifying* certain requirements for a sworn affidavit submitted for judicial authorization to initiate a forensic genetic genealogical DNA analysis search (FGGS); and generally relating to FGGS.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 17–101(e) and 17–102(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 17–102(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2024 Supplement)

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

Article – Criminal Procedure

17–101.

(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.

17–102.

(a) (1) FGGS may not be initiated without judicial authorization and without certifying before the court that the forensic sample and the criminal case satisfy the criteria set forth in this section.

(2) If an FGGS is certified before a court in accordance with this section, the court shall authorize the initiation of the FGGS.

(b) (1) A sworn affidavit shall be submitted by a law enforcement agent with approval of a prosecutor from the relevant jurisdiction asserting that:

~~(1)~~ (I) **THE IDENTITY OF THE PERPETRATOR IS UNKNOWN;**

~~[(1)] ~~(2)~~~~ (II) the crime is the commission of, or the attempt to commit, murder, rape, a felony sexual offense, or a criminal act involving circumstances presenting a substantial and ongoing threat to public safety or national security;

~~[(2)] ~~(3)~~~~ (III) the forensic sample to be subjected to the FGGS is biological material reasonably believed by investigators to have been deposited by a putative perpetrator and that the forensic sample was collected from:

~~(i)~~ 1. a crime scene;

~~(ii)~~ 2. a person, an item, or a location connected to the criminal event; or

~~(iii)~~ 3. the unidentified human remains of a suspected homicide victim; ~~AND~~

~~[(3)] ~~(4)~~~~ (IV) an STR DNA profile has already been developed from the forensic sample, was entered into the statewide DNA database system and the national DNA database system, and failed to identify a known individual~~†~~; and

~~(4)~~ (V) unless the crime being investigated presents an ongoing threat to public safety or national security concerns, reasonable investigative leads have been pursued and failed to identify the perpetrator~~†~~.

(2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO REQUIRE THAT ALL INVESTIGATIVE LEADS HAVE BEEN EXHAUSTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, April 22, 2025.