

SENATE BILL 678

E2

6lr3003

By: Senator Folden

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Procedure
9 Section 17–101(a), (b), (e), (f), (h), (i), and (l) and 17–102(a)
10 Annotated Code of Maryland
11 (2025 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 17–102(b)
15 Annotated Code of Maryland
16 (2025 Replacement Volume)

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

19 **Article – Criminal Procedure**

20 17–101.

21 (a) In this title the following words have the meanings indicated.

22 (b) “CODIS” has the meaning stated in § 2–501 of the Public Safety Article.

23 (e) “Forensic genetic genealogical DNA analysis and search” or “FGGS” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1) the forensic genetic genealogical DNA analysis of biological material using SNP or other sequencing techniques to develop an FGG profile;

3 (2) a subsequent search using the FGG profile in a publicly available open–
4 data personal genomics database or a direct–to–consumer genetic genealogy service to find
5 individuals related to the source of the FGG profile; and

6 (3) a genealogical search using public records and other lawful means to
7 obtain information in accordance with this title.

11 (2) "Forensic sample" includes biological material from unidentified
12 human remains.

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

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

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

23 17-102.

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

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

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

31 (i) the identity of the perpetrator is unknown;

4 (iii) the forensic sample to be subjected to the FGGS is biological
5 material reasonably believed by investigators to have been deposited by a putative
6 perpetrator and that the forensic sample was collected from:

7 1. a crime scene;

12 (iv) 1. an STR DNA profile has already been developed from the
13 forensic sample, was entered into the statewide DNA database system and the national
14 DNA database system, and failed to identify a known individual; **OR**

23 (v) unless the crime being investigated presents an ongoing threat
24 to public safety or national security concerns, reasonable investigative leads have been
25 pursued and failed to identify the perpetrator.

26 (2) Nothing in this subsection may be construed to require that all
27 investigative leads have been exhausted.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2026.