

SENATE BILL 678

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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;

(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.

(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.

(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.

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:

(i) the identity of the perpetrator is unknown;

(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;

(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:

1. a crime scene;
2. a person, an item, or a location connected to the criminal event; or
3. the unidentified human remains of a suspected homicide victim;

(iv) 1. 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; **OR**

2. A. AN EVIDENTIARY DNA PROFILE SUITABLE FOR DIRECT COMPARISON HAS ALREADY BEEN DEVELOPED FROM THE FORENSIC SAMPLE, FAILED TO IDENTIFY A KNOWN INDIVIDUAL, AND WAS NOT ABLE TO BE ENTERED INTO THE STATEWIDE DNA DATABASE SYSTEM OR NATIONAL DNA DATABASE SYSTEM BECAUSE THE DNA PROFILE FAILED TO MEET TIER REQUIREMENTS, SUCH AS CORE LOCUS CRITERIA, FOR ENTRY INTO CODIS; AND

B. AT LEAST 15 YEARS HAVE ELAPSED SINCE THE CRIME BEING INVESTIGATED WAS COMMITTED; and

(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, 2026.