

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 848
Public Safety – DNA Collection, Records, Analysis, and Reporting
DATE: February 26, 2020
(3/10)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 848. The offered legislation adds additional procedures to the Public Safety Article pertaining to the collection of DNA samples for the Statewide DNA Base System.

In particular, the Judiciary is concerned with the language at Public Safety Article, § 2-506(f) which provides that a warrant, subpoena, or court order may not be issued if the individual does not consent to the search by a law enforcement agency. This provision is confusing and is not consistent with current law. Criminal Procedure §1-203 provides authority to a judge to issue a search warrant on a determination of probable cause regardless of an individual's consent. This provision also limits the discretion of courts in issuing warrants and subpoenas in certain circumstances.

cc. Hon. Charles Sydnor
Judicial Council
Legislative Committee
Kelley O'Connor