

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 1209  
Public Safety – DNA Collection, Records, Analysis, and Reporting  
**DATE:** February 26, 2020  
(3/3)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 1209. 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. Emily Shetty  
Judicial Council  
Legislative Committee  
Kelley O'Connor