



**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

**SB 187 – Criminal Procedure – Forensic Genetic Genealogical
DNA Analysis, Searching, Regulation, and Oversight**

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The ACLU of Maryland supports SB 187, which regulates and provides important oversight for how law enforcement may be authorized to conduct forensic genetic genealogical DNA analysis and search (“FGGS” public genealogical databases).

The ACLU-MD fights to expand privacy rights and increase individuals’ control over their personal information, and ensure that civil liberties are not compromised by technological advances.

Testing DNA can result in tremendous benefits – from treating health risks to reuniting families, and proving claims of wrongful imprisonment. However, those benefits also come at a cost, because of the deeply personal and intimate information contained in our DNA. DNA testing does not just expose ourselves to privacy concerns, but also our parents, distant relatives, and even relatives not yet born.

Marylanders should not need to choose whether to take advantage of the benefits of new technologies while giving up their civil liberties. That is why it is so important to strictly guard this process, so that as new technologies being more interwoven into different aspects of our society, we are not forced to compromise our rights as individuals.

SB 187 was carefully drafted with the input of law enforcement, leading privacy experts, civil rights organizations, and industry specialists, to appropriately balance these two important interests. It establishes strict guardrails that prevent abuse and protect Marylanders’ intimate personal information.

Some of these important guardrails include:

- judicial authorization of the FGGS process;
- strict limits of the types of cases for which FGGS may be authorized, and necessary steps that law enforcement must meet to acquire judicial authorization;
- limits to the length and scope of the search;



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- informed and explicit consent in writing of any third party for whom collection is sought;
- a process for continued judicial oversight over the process; and
- a process for the clear destruction of all samples and information after the search is completed.

Additionally, community involvement in reviewing the mandatory reporting and helping to issue policy guidelines – including from civil and privacy rights organizations, racial justice experts, criminal justice researchers, and organizations representing families directly impacted by the criminal legal system – will help ensure that the use of this technology does not overstep in ways that increase the threat to communities.

While this technology presents an important tool to accomplish important societal goals, it also presents grave threats to our privacy and liberty when abused. SB 187 has delicately navigated that balance, and we therefore strongly urge the committee to resist any efforts to weaken the guardrails, which would put us all at greater risk.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 187.