



## Department of Public Safety and Correctional Services

Office of the Secretary  
Office of Government and Legislative Affairs  
45 Calvert Street, Suite B7A-C, Annapolis MD 21401  
410-260-6070 • Fax: 410-974-2586 • www.dpscs.state.md.us

STATE OF MARYLAND

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ACTING DIRECTOR

**BILL: HOUSE BILL 240**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill establishes processes for obtaining Forensic Genetic Genealogical DNA Analysis and Search (FGGS) Data, the utilization of FGGS, and criteria for how FGGS may be conducted when using an open-data personal genomics database. SB 187 also describes the type of genomic database that may be used, establishes criteria for the destruction of DNA samples, and establishes penalties for violations, and establishes procedures regarding the use of FGGS by both the courts and laboratories. SB 187 also requires the Department of Public Safety and Correctional Services (DPSCS) to submit an annual report pertaining to FGGS data.

**COMMENTS:**

- The Department of Public Safety and Correctional Services (DPSCS) primary mission is to oversee the Division of Correction (DOC), which houses inmates sentenced to terms of incarceration exceeding 18 months, the Division of Parole and Probation, and the Baltimore City Pretrial Complex.
- SB 187 requires DPSCS to submit an extensive annual report on FGGS in accordance with Courts Article § 2-513.
  - First, DPSCS does not host any databases that have DNA, therefore, there would be nothing to report with regard to the collection or analysis of FGGS pursuant to the required reporting requirement under the bill.
  - Additionally, there is no § 2-513 of the Courts Article.
- DPSCS confirmed with the bill's policy analyst in the Department of Legislative Services that Courts Article § 2-513 referenced in the bill is a drafting error, and the reporting requirement should have referenced **Public Safety Article § 2-513 and the Department of State Police.**
- Public Safety Article § 2-513 states:
  - (a)(1)(i) On or before April 1, 2010 and on or before April 1 annually thereafter, the Department shall report to the Governor

and, in accordance with 2-1257 of the State Government Article, the General Assembly, on the status of the statewide DNA database system as specified in subsection (b) of this section.

- As such, DPSC asks the Committee to consider an amendment to reflect **the correct** reporting requirement as follows:
  - Beginning on line 16, page 11 strike “§ 2–513 of the Courts Article, the Department of Public Safety and Correctional Services” and insert:
  - “§ 2–513 of the Public Safety Article, the Department of State Police”
- **CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on House Bill 240.