

**MARYLAND OFFICE OF THE PUBLIC DEFENDER- FORENSICS DIVISION**  
**TESTIMONY IN SUPPORT OF HOUSE BILL 240**  
**Criminal Procedure – Forensic Genetic Genealogical DNA Analysis,**  
**Searching, Regulation, and Oversight**

The Office of the Public Defender is pleased to add our voices in support of the passage of House Bill 240.

The scientific development of forensic genetic genealogy (FGG), which couples genetic analysis with investigation of publicly available genealogy information, will undoubtedly transform law enforcement investigations. As with the promise of any transformative technology, however, there are also certain dangers. Absent appropriate legislation, the use of FGG could lead to not only to compromised cases but also to violations of individuals' privacy and civil liberties and, as a result, public support for FGG could be jeopardized and confidence in forensic DNA analysis could be undermined.

This bill is an important step in both protecting the genetic privacy of private citizens who have voluntarily submitted samples to genealogy databases and the constitutional rights of individuals who may be arrested and charged based on evidence obtained through FGG.

The first step to prevent misuse of an investigative tool like FGG is transparency. This bill will ensure that all stakeholders - the public, those who are asked to contribute their DNA and criminal defendants – are provided with the appropriate information about the use of FGG.

By extending state and federal constitutional protections against unreasonable searches and seizures to cover covert collection of an individual's DNA sample by private investigators this bill provides a remedy to those individuals whose rights may have been violated by non-state actors acting under a court's supervision.

The drafters of this bill also had the foresight include an oversight panel charged with making appropriate policy recommendations in the recognition that there may be the need to adapt the law as FGG meets the realities of law enforcement investigations. Public Defenders are honored to be included as members of this body.

Our society is once more on the cusp of great change. Under the leadership of Delegate Shetty and Senator Sydnor, Maryland is at the forefront of crafting cutting edge legislation that addresses the issues emerging as science continues to transform our lives.

We want to again express our gratitude to Delegate Shetty and Senator Sydnor for their foresight in recognizing that the use of FGG must be carefully and comprehensively regulated in a way that ensures policies and practices properly reflect a commitment to respect individual privacy and civil liberties.

We also want to thank the members of the blue-ribbon panel whose hard work led to a bill that will ensure that the use of FGGS is conducted in a manner consistent with the requirements and protections of the Constitution and other legal authorities.

