



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: SB 169 - Commercial Law - Consumer Protection - Biometric Data Privacy

SPONSOR: Senator Feldman

HEARING DATE: February 08, 2023

COMMITTEE: Finance Committee

CONTACT: Intergovernmental Affairs Office, 301-261-1735

POSITION: OPPOSE

The Office of the Prince George's County Executive **OPPOSES Senate Bill 169 - Commercial Law – Consumer Protection – Biometric Data Privacy** which sets standards and mandates policies and procedures private entities must follow when handling biometric data but does so in an overly broad and restrictive manner that conflicts with recently established privacy laws under Title 17 of the Criminal Procedure Article and jeopardizes criminal investigations.

Prince George's County State Attorney's Office received a grant from the Department of Justice for the purposes of utilizing Forensic Genetic Genealogy. Forensic Genetic Genealogy has been instrumental in assisting Law Enforcement with decade old cases that were lacking further leads. It is an investigative tool that will continue to produce successful outcomes in criminal investigations that would otherwise remain unsolved.

Prince George's County Police Department has been successful in solving a cold case homicide using Forensic Genetic Genealogy. Matthew Mickens-Murrey was found stabbed to death in his apartment in Cheverly on May 30, 2017. Family members called police after Matthew failed to report for work as a security guard that day. When police responded to his apartment, they found Matthew lying face down in his living room, suffering from stab wounds.

Crime Scene Investigators collected evidence from the scene which included a bloody fingerprint that did not belong to the victim. It was clear the murderer was injured at some point while committing the brutal crime. A DNA profile of the bloody fingerprint was submitted to both the national fingerprint and DNA data bases maintained by the FBI - but no match was obtained.

After an extensive investigation failed to develop any promising leads, the case went cold for several years. Finally, in 2019, the unidentified blood evidence was submitted to a private laboratory to develop a profile for Forensic Genetic

Genealogy. Forensic Genetic Genealogy looks at more than half a million single nucleotide variations to DNA (called single nucleotide polymorphism, or SNP). The SNPs can identify family traits from sections of the DNA recovered at a crime scene sample to distant relatives.

In Matthew's case, the private laboratory developed a profile and then work building the family tree began. This ultimately led to a possible suspect in Charles County, but more police investigation was needed. Further investigation indicated the potential suspect, Brandon Biagas, suffered a serious injury the night of the murder. He sought medical treatment at a hospital in Charles County. When questioned by a deputy sheriff at the hospital, Mr. Biagas gave inconsistent and contradictory versions of how he injured his hand, which he claimed took place during the purchase of marijuana at a park in Waldorf. The deputies collected a knife and bloody clothing from his vehicle pursuant to a court-ordered search and seizure warrant. The evidence the Charles County Sheriff's Office collected was not submitted to CODIS because no qualifying crime was identified to justify a submission. Years after the murder, and thanks to the lead provided by the forensic genetic genealogy process, Brandon Biagas was identified as the donor of the bloody fingerprint found in Matthew's apartment. He ultimately pleaded guilty to second-degree murder and was sentenced to a lengthy prison sentence.

The passage of **SB 169** would hinder what has become an invaluable tool for law enforcement to use to resolve unsolved homicides, sexual assaults as well as identify human remains

For these reasons, the office of the County Executive **OPPOSES Senate Bill 169** and asks for a **UNFAVORABLE** report.