



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

**DATE:** March 21, 2023

**BILL NUMBER:** Senate Bill 967      **POSITION:** Support with Amendments

**BILL TITLE:** Public Safety – Statewide DNA Database System, DNA Collection, and Penalties - Alterations

**REVIEW AND ANALYSIS:**

This legislation is being put forth at the request of the Maryland Department of State Police Forensic Sciences Division (MDSP-FSD) due to a number of problems created by existing law on the collection and testing of arrestee DNA. Since 2009 when the law was passed, the MDSP-FSD has worked diligently to ensure that all DNA Database samples that are submitted for testing are done so in compliance with the law. However, there are several issues with the DNA Database outside the control of MDSP-FSD that need to be addressed. Specifically, samples that should be collected for submission are being missed, individuals are refusing to provide a sample because there is no penalty when they do so, the language triggering when arrestee samples can be analyzed has a loophole and this loophole has resulted in thousands of “in limbo” samples that can neither be tested nor expunged.

Senate Bill 967 addresses all of these issues. The bill ensures that moving forward all samples that should be collected are collected and that all collected samples have clear and achievable triggers for testing and expungement. To that end, this bill does the following:

- 1) clarify accountability for the collection of DNA Database samples,
- 2) impose a penalty for qualifying individuals who refuse to provide a DNA Database sample, and
- 3) clarify language that currently uses the term “arraignment” as a trigger for the analysis of DNA Database samples collected from individuals who have been arrested and charged with qualifying crimes.

Regarding the “in limbo” samples, the sponsor has put forth an amendment that requires the expungement of these samples. The samples are in limbo because, by law, they do not meet the vague requirements for either analysis or expungement. While many of these “in limbo” samples would be eligible for analysis upon passage of this legislation, Senate Bill 967 specifies that the samples collected prior to the enactment of this bill, are to be expunged.

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The Maryland DNA Database has been an incredibly successful tool over the years, assisting investigators to implicate perpetrators, exonerate the falsely accused, and link serial crimes in Maryland and across state lines. In October 2022, a major milestone was reached when the 10,000<sup>th</sup> hit associated with the Maryland DNA Database was reported. For the past 3 years, there has been an average of 1,135 Maryland DNA Database hits per year. These are impressive numbers, but there is potential for the DNA Database to be even more productive if the changes proposed in SB 967 are implemented. Moreover, by fixing the language that has led to the “in limbo” samples along with expunging all previous “in limbo” samples, the State will correct an unintended flaw in the existing law.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 967 as amended, a favorable report.