



Testimony for the Senate Judicial Proceedings Committee

March 10, 2026

**SB 678 – Criminal Procedure – Forensic Genetic Genealogical
DNA Analysis, Searching, Regulation, and Oversight**

UNFAVORABLE

The ACLU of Maryland urges an unfavorable report on SB 678, altering the requirements for a sworn affidavit submitted for judicial authorization to initiate a forensic genetic genealogical DNA analysis and search (FGGS). Specifically, this bill will broaden the pool of DNA profiles that meet the criteria for the authorization of FGGS.

The ACLU-MD fights to expand privacy rights, 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 reducing 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 us to privacy concerns, but also our parents, distant relatives, and even relatives not yet born.

Marylanders should not need to choose between the benefits of new technologies and their civil liberties. That is why it is so important to strictly guard this process, so that as new technologies are more interwoven into different aspects of our society, we are not forced to compromise our rights as individuals. We must ensure that the use of this technology does not overstep in ways that increase the threat to communities.

We are greatly concerned that the number of people who are subjected to genetic searches will steadily increase, further

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eroding the privacy rights of communities greatly impacted by the criminal legal system and leaving law enforcement officers with unchecked discretion to determine whom to investigate further and whom to arrest. While FGGS presents an important tool to accomplish important societal goals, it also presents grave threats to our privacy and liberty when abused.

The law should establish clear, objective, and scientifically grounded standards governing when such searches are permitted. Without these protections, many innocent individuals could have their private genetic information scrutinized without any legitimate investigative basis. We must adopt narrowly defined and carefully crafted standards governing the quality and type of DNA eligible for genealogical searches.

We strongly urge the committee to resist any efforts to weaken the guardrails around personal genetic data and to be mindful of the need to safeguard personal privacy. For the foregoing reasons, the ACLU of Maryland urges an unfavorable report on SB 678.