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March 10, 2026

TO: The Honorable Will Smith
Chair, Judicial Proceedings Committee

FROM: Tiffany Clark
Director, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 678 - Criminal Procedure - Forensic Genetic Genealogical DNA
Analysis and Search - Affidavit for Judicial Authorization (Support)

The Office of the Attorney General (OAG) supports Senate Bill 678 - Criminal Procedure - Forensic Genetic Genealogical DNA Analysis and Search - Affidavit for Judicial Authorization. SB 678 expands the criteria under which a court may authorize a forensic genetic genealogical DNA analysis and search (FGGS) to include cold cases where a DNA profile, while unsuitable for entry into the state or national DNA database systems due to failure to meet current technical requirements such as core locus criteria, has already been developed and failed to identify a known individual, provided that at least 15 years have elapsed since the crime was committed.

Under existing law, FGGS authorization requires that a DNA sample have been entered into both the statewide and national DNA database systems and failed to produce a match. That requirement can foreclose FGGS as an investigative tool in a subset of cold cases where older DNA profiles were developed under prior technical standards. For example, profiles generated before 2016 compared 13 loci rather than the 20 now required for CODIS entry. SB 678 creates a carefully bounded pathway to authorize FGGS in those circumstances, preserving the judicial authorization requirement and other existing safeguards while ensuring that a technical threshold does not permanently bar the use of an otherwise viable investigative technique in serious unsolved cases.

We appreciate the General Assembly's work on this important policy and welcome the opportunity to share our perspective. For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give Senate Bill 678 a favorable report.

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

Cc: Members of the Committee