

SB 678 - favorable - FGGS.pdf

Uploaded by: Kirsten Brown

Position: FAV

Ivan Bates
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Date: March 6, 2026

Bill Number: SB 678

Position: Favorable

The Maryland State's Attorneys' Association respectfully submits this letter in support of SB 678, which authorizes the limited and judicially supervised use of Forensic Genetic Genealogical DNA Analysis (FGGS) in the investigation of the most serious violent crimes. This legislation adds the ability, where an evidentiary DNA profile suitable for direct comparison has been developed, but was not able to be entered into CODIS, to use the profile as an investigative tool.

At its core, this legislation is about victims i.e., survivors of sexual violence, families of homicide victims, and communities that have lived for years without answers. Cold cases do not fade with time for those directly affected. This bill offers a carefully defined opportunity to provide long overdue information, accountability, and closure in cases where traditional investigative tools have failed.

Importantly, the legislation also recognizes the realities of long-term investigations. It does not require that every conceivable investigative lead be exhausted, an impossible standard, but instead relies on the well established concept of reasonable investigative leads. This strikes an appropriate balance between investigative diligence and practical law enforcement realities, while ensuring judicial oversight at every stage.

The legislation reflects a clear intent to balance investigative necessity with individual privacy and civil liberties.

From a prosecutor's standpoint, FGGS has demonstrated nationwide value in identifying suspects in cases that had gone cold for decades, often leading not only to arrests but also to exonerations and the identification of unidentified human remains.

This bill does not lower investigative standards or expand law enforcement authority unchecked. Instead, it provides a measured, transparent, and victim-centered approach to addressing the most serious unresolved crimes. It strengthens public trust and promotes public safety.

For these reasons, MSAA urges a favorable report for SB 678.

Letter of Support.pdf

Uploaded by: Kurt Bjorklund

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

SB 678 Support

March 6, 2026

The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee
Senate Office Building – 2 East Miller
11 Bladen Street
Annapolis, MD 21401

RE: Support of SB 678 – Criminal Procedure – Forensic Genetic Genealogical DNA Analysis and Search – Affidavit for Judicial Authorization

Dear Chair Smith, Vice Chair Waldstreicher, and Honorable Members of the Committee,

I write to express strong support for SB 678 on behalf of the Office of the State's Attorney for Baltimore City. Forensic Genetic Genealogy (FGG) is a burgeoning scientific approach that jurisdictions across the nation have begun to employ to solve difficult violent crimes. Maryland law enforcement has had some recent FGG successes¹ but is often unnecessarily limited by one of the nation's most restrictive statutes.

Currently, for Maryland to conduct FGG investigation, Title 17 mandates, among other conditions, that "an STR DNA profile has already been developed from the forensic sample, was entered into the statewide DNA database system and the national DNA database system² and failed to identify a known individual" [17-102(iv)(1)].

But what if an otherwise relevant forensic sample cannot be entered into CODIS?

This bill addresses that deficiency in Title 17—the necessity for the putative perpetrator's forensic sample to be CODIS-eligible. By amending the language of 17-102(iv) to now include forensic samples suitable for direct comparison yet ineligible for entry into CODIS due to not meeting its tier requirements, Maryland will expand the realm of murder, rape, and national security cases open to FGG investigation.

¹ To name a few: the 2024 arrest of Victor Martinez Hernandez for murdering Rachel Morin (Harford County); the 2024 conviction of Eugene Teodor Gligor for murdering Leslie Preer (Montgomery County); solving the 1998 murder of Sherry Crandell (Prince George's County); the 2025 arrest of the 1979 rape and murder of Kathryn Donohue (Prince George's County).

² Collectively "CODIS"



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

A brief background on the relevant science is necessary to fully understand the problem, which I will now provide after consulting with a DNA expert who works with these issues daily. Historically, for a sample to be CODIS-eligible, it needed to have data at eight of the original 13 "core loci"³. These "core loci" were selected because, at the time, they provided the most variance for DNA analysts. However, in 2017, CODIS gave seven additional loci the "core" label due to many of them having greater variance than the original 13. Despite this change, CODIS still mandates that the sample has data at eight of the original 13 "core loci" for eligibility. Currently in Baltimore City alone, there are 359 forensic DNA samples that are in the state database but are not CODIS-eligible for not meeting at least one tier requirement. Some samples in this cohort may be otherwise eligible for FGG investigation—**these are among the most violent and important cases that this legislation may help to solve!**

This expansion will invariably make our state safer—and at little, to no, cost. FGG investigations would still be limited to the types of crimes enumerated by Title 17 and subject to significant judicial scrutiny and authorization. Law enforcement should not be needlessly cabined by the administrative requirements of the state and national DNA databases. Many families are waiting patiently for justice; Maryland should allow more, not fewer, cases to be investigated with this new, effective approach.

I urge you to give a favorable report on SB 678. Thank you for your time.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Bjorklund".



Ivan J. Bates
State's Attorney

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³ To give context, most DNA analysts are now looking at up to 22 autosomal loci, depending on the type of amplification kit being used.

MCPA_MSA SB 678 Forensic Genetic Genealogical DNA

Uploaded by: Samira Jackson

Position: FAV



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chair and
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 10, 2026

**RE: SB 678 - Criminal Procedure - Forensic Genetic Genealogical DNA Analysis and
Search - Affidavit for Judicial Authorization**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 678**. This legislation expands the circumstances under which law enforcement may utilize forensic genetic genealogy (FGG) in criminal investigations. Forensic genetic genealogy has proven to be a powerful investigative tool that assists law enforcement in identifying unknown offenders in serious crimes when traditional investigative methods and existing DNA database searches have failed.

Senate Bill 678 would be particularly helpful in cases where an evidentiary DNA profile has already been developed from a forensic sample but was unable to generate a match and could not be entered into CODIS because the profile failed to meet the required tier or core locus criteria. In these circumstances, investigators may have a viable DNA sample that still cannot be compared against existing databases using traditional methods. Allowing the use of investigative genetic genealogy in these situations would provide investigators with an additional pathway to develop leads, identify suspects, and pursue justice for victims and their families.

The bill also allows the use of this technology in cases where at least 15 years have elapsed since the crime was committed. While MCPA and MSA believe that a shorter timeframe could potentially allow investigators to assist victims and families sooner, the associations recognize that the 15-year provision reflects a careful effort to balance investigative needs with privacy considerations. Even with this limitation, the bill would still meaningfully expand the ability of

law enforcement to pursue cases that currently cannot benefit from investigative genetic genealogy.

Overall, Senate Bill 678 represents an important step forward in modernizing investigative tools available to Maryland law enforcement. By allowing investigators to pursue leads in cases that have otherwise reached investigative dead ends, this legislation will help advance justice, improve public safety, and provide long-awaited answers to victims and their families.

For these reasons, MCPA and MSA **SUPPORT SB 678** and respectfully urge a **FAVORABLE** committee report.

2026_03_10 SB 678 - FGGS Affidavit for Authorizati

Uploaded by: Tiffany Clark

Position: FAV

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ANTHONY G. BROWN
Attorney General

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

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Uploaded by: Elizabeth Hilliard

Position: UNF



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DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 678 – Criminal Procedure – Forensic Genetic Genealogical DNA Analysis and Search - Affidavit for Judicial Authorization

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: March 6, 2026

The Maryland Office of the Public Defender respectfully requests an **unfavorable report** on Senate Bill 678. As currently drafted, the bill would effectively eliminate meaningful standards governing the quality of DNA that may be searched using forensic genetic genealogy (FGG), thereby creating significant risks to the privacy of innocent individuals.

DNA evidence is often perceived as definitive proof of identity. While DNA can be a powerful investigative tool, that perception is not always warranted. In many cases, DNA evidence may be degraded, consist of mixtures from multiple contributors, or exist in such small quantities that little reliable information can be drawn about its source. Recognizing that DNA evidence can vary significantly in quality, the Federal Bureau of Investigation has established minimum standards for DNA profiles before they may be uploaded to the Combined DNA Index System (CODIS) for databank searches. These safeguards exist because poor-quality or incomplete profiles increase the likelihood of adventitious or coincidental matches, requiring investigators to sift through large numbers of irrelevant leads.

Under current Maryland law, law enforcement must first conduct a search of CODIS databases and fail to obtain a hit before turning to forensic genetic genealogy. This requirement serves as an important safeguard to ensure that FGG—an intrusive and far-reaching investigative technique—is used only when traditional forensic database searches have been exhausted.

Senate Bill 678 would eliminate this safeguard and instead allow any DNA deemed “suitable for direct comparison” to be searched using FGG. The bill does not define the phrase “suitable for direct comparison,” leaving the determination to the subjective judgment of investigators. Without clear standards, this language could permit the use of partial, degraded, or mixed DNA profiles in genealogical searches.

The consequences of such an approach are significant. Partial or mixed DNA profiles can be consistent with large numbers of individuals who have no connection to the crime under investigation. When such profiles are used in genealogical searches, they may generate investigative leads involving numerous innocent individuals, unnecessarily exposing their genetic information and familial connections to law enforcement scrutiny.

Before the government is granted broad access to the highly personal genetic information contained in genealogical databases, 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.

The Maryland Office of the Public Defender urges the legislature to adopt narrowly defined and carefully crafted standards governing the quality and type of DNA eligible for genealogical searches. At a time when surveillance technologies are expanding rapidly, the General Assembly should be mindful of the need to safeguard personal privacy—not inadvertently broaden government access to deeply personal genetic data.

For these reasons, the Maryland Office of the Public Defender respectfully requests an **unfavorable report on SB 678**.

SB 678_UNFAV_ACLUMD.pdf

Uploaded by: Tierra Bradford

Position: UNF



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.