

SENATE BILL 46

E2

0lr0616

(PRE-FILED)

By: **Senator Lee**

Requested: September 5, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State's Attorney – Required Disclosure – Facial Recognition and DNA Analysis**
3 **and Search**

4 FOR the purpose of requiring the State's Attorney in a criminal case to make timely
5 disclosure to a certain defendant if certain technology has been used during the
6 criminal investigation; defining certain terms; and generally relating to facial
7 recognition and DNA analysis and search.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 10-924

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2019 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 **10-924.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) “DNA” HAS THE MEANING STATED IN § 2-501 OF THE PUBLIC**
20 **SAFETY ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “FACIAL RECOGNITION” MEANS A BIOMETRIC SOFTWARE**
2 **APPLICATION CAPABLE OF UNIQUELY IDENTIFYING AN INDIVIDUAL BASED ON**
3 **FACIAL CHARACTERISTICS, INCLUDING EYES AND EARS.**

4 **(4) “FORENSIC GENETIC GENEALOGICAL DNA ANALYSIS AND**
5 **SEARCH” MEANS THE FORENSIC GENETIC GENEALOGICAL DNA ANALYSIS OF A**
6 **FORENSIC OR REFERENCE SAMPLE OF BIOLOGICAL MATERIAL BY A LABORATORY TO**
7 **DEVELOP A PROFILE AND THE SUBSEQUENT SEARCH OF THAT PROFILE IN:**

8 **(I) A PUBLICLY AVAILABLE OPEN DATA PERSONAL GENOMICS**
9 **DATABASE; OR**

10 **(II) A DIRECT-TO-CONSUMER GENETIC GENEALOGY SERVICE.**

11 **(B) THE STATE’S ATTORNEY IN A CRIMINAL CASE SHALL MAKE TIMELY**
12 **DISCLOSURE TO A DEFENDANT IN A CRIMINAL CASE IF THE FOLLOWING HAS BEEN**
13 **USED DURING THE CRIMINAL INVESTIGATION OF THE CASE:**

14 **(1) FACIAL RECOGNITION; OR**

15 **(2) FORENSIC GENETIC GENEALOGICAL DNA ANALYSIS AND**
16 **SEARCH.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2020.