



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

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**Testimony of Deborah J. Fuller  
Judiciary Committee  
March 20, 2008**

**Senate Bill 692, An Act Requiring DNA Testing  
of Certain Arrested Persons**

Good afternoon. Thank you for the opportunity to submit written testimony on, on behalf of the Judicial Branch, regarding **Senate Bill 692, *An Act Requiring DNA Testing of Certain Arrested Persons***. We have serious concerns with this bill because it would have serious resource and other implications for the Branch.

Subsection (g) of section 1 of this bill would require anyone convicted of a felony to submit to the taking of a DNA sample prior to their sentencing date. It does exempt from this requirement persons who have been arrested of an A or B felony who have already had their DNA taken by law enforcement at the time of arrest. Section 2 makes the collection of these samples the responsibility of the Judicial Branch. This would make the Judicial Branch responsible for hundreds more tests a month without providing for the resources to take the tests or pay for the collection.

The bill does not specify when or where the test must be taken, so it would leave us with some flexibility. That does not help us, however. There would be two categories of defendants affected by this requirement: those in custody, and those who are out on bond or other condition of release pending sentencing. For those who are in custody, we would suggest that the Department of Correction would be the appropriate entity to take their DNA samples, as they currently do for convicted persons in their custody (see the subsection newly designated (b) of section 1 of the bill). For those who are not in custody, we assume that the court would instruct them appear at a location

that the Judicial Branch designates to submit a sample. Let's assume at this point that the Branch will direct them to one of the locations where probationers currently report to submit samples. This scenario presents several issues for the Branch: First, it will greatly increase the number of samples that must be taken and tested, which will have a fiscal impact on the Branch. Second, the court will have no way of knowing if the defendant has had their DNA taken at the time of arrest. Will we be able to assume everyone arrested for an A or B felony did have a sample taken? Third, it raises the issue of what will occur if the defendant shows up at the sentencing hearing and has not submitted to the taking of a sample. Will the sentencing need to be delayed? Finally, the bill would have the Judicial Branch performing what is essentially a law enforcement function.

It is unclear what this new subsection is attempting to accomplish. It appears that all it really does is move up the time for collection of DNA, so that it occurs prior to sentencing. We would respectfully request that this new requirement be deleted.

Thank you for your consideration.