



STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

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Public Safety and Security Committee
Legislative Office Building
Hartford, CT 06106

February 24, 2009

SB 906 AN ACT CONCERNING THE COLLECTION OF DNA SAMPLES

The Department of Public Safety supports this bill.

This proposed bill would transfer the responsibility for the collection of the DNA of some sex offenders from the Department of Public Safety to the Court Support Services Division. Under current law, the Department of Public Safety is the collection point for biological samples for convicted felons that are not incarcerated or given probation. DPS has one collection point in Middletown and has seen a very high failure rate of 60% to 80% per month for those convicted felons that are required to provide samples but do not. As of the end of August of 2008 there were a total of 2,615 individuals that have failed to provide samples. Troopers are being assigned costly and time consuming investigations for these violations and are having difficulty obtaining the JD-CR-138 forms from the courts that advise the defendant of their obligation to provide a sample. Without the completed form it is very difficult to prove that an individual refused to provide a sample. Many of those that fail to provide samples, when arrested, state that they did not have transportation to Middletown. It would make so much more sense to have these samples collected by Court Support Services before the sex offender leaves court. The Judicial Department has indicated that it can take on these responsibilities within available appropriations. Court Support Services already has a contracted vendor collecting samples at a number of their locations throughout the state, eliminating the transportation issue and increasing compliance. Further the failure of an individual to comply can be more expeditiously addressed with the issuance of a PRAWN warrant for an individual who violates an order of the court.

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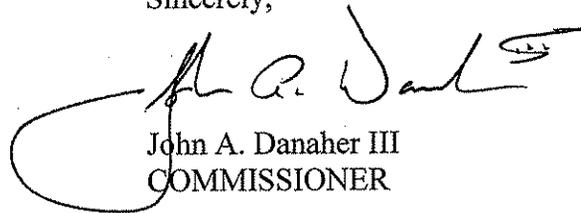
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The bill would also expand the offense of refusal to submit to such collection to include failure to submit. Many of these individuals are not in custody to refuse. The bill would increase the penalty for failure or refusal to submit to DNA analysis from a class "A" misdemeanor to a class "D" felony. This would more accurately reflect the importance of the collection of these samples which can lead to the solution of crimes as serious as murder and sexual assault and also provide evidence that could protect an innocent individual. For some individuals the risk or possibility of arrest for a class "A" misdemeanor does not create sufficient motivation when compared to the possibility of their DNA connecting them to a future or unsolved crime.

The proposed bill would also allow the Division of Scientific Services to approve the type of collection kits that they process.

Finally, the bill would add the Executive Director of the Court Support Services Division, or his designee to the DNA Data Bank Oversight Panel to provide input and understanding of the significant contribution and issues faced by CSSD to the implementation of this act.

Sincerely,



John A. Danaher III
COMMISSIONER