



State of Connecticut

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Testimony of
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Raised Bill No. 6381

**An Act Concerning DNA Collection From Certain Convicted Individuals
Judiciary Committee Public Hearing - March 6, 2009**

The Office of Chief Public Defender opposes passage of *Raised Bill No. 6381, An Act Concerning DNA Collection From Certain Convicted Individuals*. Subsection (g) of Section 1 would amend C.G.S. § 54-102g, **Blood or Other Biological Sample Required from Certain Offenders for DNA Analysis** and increases the penalty from a class A misdemeanor to a class D felony for any person who refuses to provide a DNA sample. The Office of Chief Public Defender opposes the enhancement of another offense from a Class A misdemeanor to a Class D felony. A large number of offenses, initially codified as misdemeanors have been enhanced to felonies in past years. As a result, the number of persons arrested and convicted of felonies has increased. Being charged with a felony can result in a higher bond being set at pretrial, a greater risk of incarceration upon conviction and a greater likelihood that a person will pursue postconviction remedies. All of these can result in a greater cost to the criminal justice system. In addition, a felony conviction has collateral consequences which impact upon the person upon reentry into the community. These include barriers to employment, education and housing. Accordingly, such felony convictions will not only impact those convicted but may impact that person's family.

In addition, new language has been proposed as subsection (h) which would permit the Commissioner of Correction to use "reasonable force" in order to take "blood or other biological sample". As with issues of forced medication and forced feeding, such a procedure should only be permitted after review by and order of the court. This proposal lacks any procedures or requirements for documenting when the Commissioner may exercise her discretion to use "reasonable force" or the specific

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manner to be employed to obtain the sample. The proposal also appears to allow non medical personnel employed by the Department of Corrections to obtain a "blood or other biological sample." The proposal is void of any safeguards which would protect both correctional personnel and the inmate.

Lastly, as drafted, the language appears to not only permit "reasonable force" to be used to obtain the sample but also to still charge a person with a felony for his/her refusal. The Office of Chief Public Defender opposes this result.