



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

**Testimony of the Deborah J. Fuller  
Judiciary Committee Public Hearing  
March 6, 2009**

**S.B. 542, An Act Concerning the Taking of a DNA Sample from  
Convicted Persons**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch on Senate Bull 542, *An Act Concerning the Taking of a DNA Sample from Convicted Persons*. We are opposed to subsection (f) of section 1 of the bill because it will have an extremely negative impact on our criminal courts.

Subsection (f) of section 1 would require a DNA sample to be taken, prior to sentencing, from any person who is convicted, or found not guilty by reason of mental disease or defect, of a felony or class A or B misdemeanor. While I understand that this is intended to improve the level of compliance with the DNA sampling requirement, it is simply unworkable. This new requirement would bring the criminal court process to a screeching halt. In most misdemeanor cases, there is no time period between the entering of a plea and imposition of sentence – these happen very quickly. This requirement would require the court to pass the case, send the person somewhere for a DNA sample, and then send the person back to court with verification that this was done, prior to the plea being taken or sentence imposed. There is no room in most of our criminal courthouses to set aside space for the DNA sampling to occur, so in many cases the defendants would have to go to a different location, causing further delay. If the court were to continue all cases to another day for sentencing in order to allow this to be done, it would cause huge caseflow backlogs and negatively impact the entire criminal justice system. For this reason, I would respectfully request that subsection (f) of section 1 be deleted from the bill.

I would also like to take this opportunity to bring to the committee's attention an issue with both this bill and H.B. 6573, *AAC Requiring DNA Testing of Certain Arrested Persons*. The bills introduce new points at which DNA samples must be taken, but they leave in place the existing requirements for DNA sampling. Does this mean that a person will have DNA taken multiple times? It would be helpful to have this very important issue clarified.

Thank you for your consideration of these concerns.