



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
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**Testimony of Michelle Cruz, State Victim Advocate
Public Safety & Security Committee
Thursday, February 18, 2010**

Good morning Senator Stillman, Representative Dargan and distinguished members of the Public Safety & Security Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **SUPPORT** of:

Raised Senate Bill No. 146, An Act Concerning the Collection of DNA

The legislature enacted legislation in 1994 (Public Act No. 94-246) to gather DNA from certain convicted persons in order to assist in solving past and future crimes. Unfortunately, as is the case with many of our legislative initiatives, there was an unforeseen wrinkle in this initiative, which has since caused much frustration and has delayed the process further.

Currently, a defendant who has been convicted of a crime that requires the submission of a DNA sample, the defendant is left to his or her own determination as to when to provide the sample. Stated another way, there is no present timeline for compliance.

In cases where a defendant is sentenced to a suspended sentence, the DOC does not have an opportunity to collect the DNA prior to the defendant's release which causes obvious problems. Despite the availability of charges when a defendant refuses to provide the DNA, the actual arrest of this population is just not feasible. With the lack of available resources within the law enforcement community, there is little or no opportunity neither to enforce the DNA submission requirements nor to hold those defendants accountable for the willful failure to comply. At last check, there were nearly 4,000 outstanding warrants for failure to provide DNA samples, from persons required to submit the DNA sample. Understandably, serving 4,000 warrants requires police power that we simply do not have at this time due to the economy and this is at no fault of the police - it is simply our current reality. This number will only increase if changes are not made.

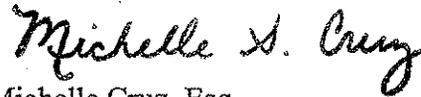
Senate Bill # 146 is a reasonable approach and a viable solution. Defendants placed on supervised probation are already required to report to the probation department, some on a routine basis. The probation department is in the best position to coordinate the submission of the DNA as well as responding to a failure to do so.

Finally, defendants are fully advised at the time of a conviction of the requirement to submit to a DNA sample. Failure to do so should be met with a harsh penalty. I

suspect that many may fear the consequence of an unsolved crime being solved through DNA; the very reason for the need for timely collection of DNA samples and stiff penalties for failing to do so.

I strongly urge the committee to support this very important proposal. Thank you for the opportunity to provide testimony.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle S. Cruz". The signature is written in a cursive style with a large, prominent initial "M".

Michelle Cruz, Esq.
State Victim Advocate