



State of Connecticut

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Testimony of Deborah Del Prete Sullivan,
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Raised Bill No. 6538
An Act Concerning the Collection of Blood and
Other Biological Samples for DNA Analysis
Judiciary Committee Public Hearing - March 9, 2011

The Office of Chief Public Defender opposes passage of certain provisions contained within *Raised Bill No. 6538, An Act Concerning the Collection of Blood and Other Biological Samples for DNA Analysis*. This bill would provide that a person could be arrested and charged with a class D felony if he/she fails to provide a DNA sample even if the failure was beyond the person's control or not knowing, willful or intentional. This Office opposes the insertion of the word "fails" as a person should not be subject to arrest for a felony for an unintentional failure to submit a sample.

This Office suggests that "knowingly" be inserted before the word "refuses" in lines 13 and 76, before the word "refusal" in line 76, and before "refused" in line 159 of the proposal. Again, there can be reasons why a person was unable to comply which can be circumstances beyond the person's control.

Lastly, this Office is opposed to that portion of Section 1 which would authorize the use of "reasonable force" to obtain a blood or other biological sample from a person. (See lines 84 through 89, new subsection (i).) While disagreeing with those who might equate the taking of a DNA sample to that of taking fingerprints, the use of force, reasonable or otherwise, is never utilized to obtain fingerprints. In addition, the Division of Criminal Justice has indicated that the issue of whether current law authorizes the use of reasonable force is on appeal. If the statutes already proscribe such, then any legislation would be redundant. If not, the court may provide an interesting analysis that this Committee may desire to review prior to enacting any such legislation.

The Office of Chief Public Defender opposes this legislation and requests that this bill not be adopted.