



## HARTFORD POLICE UNION

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PRESIDENT RICHARD HOLTON

Office of The President

*Statement of*

## **THE HARTFORD POLICE UNION**

*To the*

## **JUDICIARY COMMITTEE**

Co-Chairman, Senator Coleman, Co-Chairman, Representative Tong, and distinguished members of the Judiciary Committee, my name is Richard Holton, a Sergeant in the Hartford Police Department with 20 years of policing experience. I am also the President of the Hartford Police Union, the largest independent municipal police union in the state. On behalf of all the members of the Hartford Police Union, which is comprised of Patrolmen, Detectives, Sergeants, Lieutenants and Captains, we appreciate your dedication and thank you in raising **House Bill #7013, An Act Concerning DNA Testing of Persons Arrested for the Murder or Sexual Assault**

Each day law enforcement officials are faced with the task of solving serious crimes with little to no evidence to follow up on. The general public is influenced and misled by Hollywood on how crimes are solved, believe me it's not wrapped up in a nice package at the end of an hour. The public thinks you can get fingerprints at every crime scene but that is not true at all. Based upon my own experience the evidence that is frequently left behind by the perpetrator and collected by evidence technicians is DNA. With the advances in the field of science and technology DNA is the new fingerprint. Requiring an individual accused of a serious felony to submit to a DNA swab/sample during the arrest process would aide law enforcement officials tremendously in identifying individuals as well as eliminating individuals from alleged serious crimes. Even the ACLU in their previous 2011 testimony to the committee makes a case for taking DNA swabs when they referenced the tragic case of Christina Worthington, who was raped and murdered on Cape Cod in 2002, if it wasn't for a DNA data bank her killer might have never been caught.

Back On March 9<sup>th</sup> 2011, I sat in the Judiciary Committee hearing room and listened to compelling testimony of a mother, Jayann Sepich from New Mexico, describing the brutal rape and murder of her daughter, Katie. As I sat there and listened, I saw individuals in the gallery wiping tears from their eyes. She has come before you again and I am sure her story will just be as compelling. I don't think anyone could say it any better than her as to why this bill should move forward.



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We need to listen to stories such as hers to remind ourselves that there is a human element to the decisions we make. Her articulate testimony and the fact sheet she presented to the committee was persuasive.

In the past I heard testimony about funding and backlogs, these seem to be convenient excuses to delay this important measure, we as members of this state and as taxpayers need to find a way to fund this bill and now with the "Katie Sepich Enhanced DNA Collection Act of 2012" there is a way to fund this program (H.R. 6014-2 Sec 3 & 4. Grants to states to implement DNA Arrestee collection process & Expungement of Profiles, and H.R.6014-3 Sec. 5 & 6 Offset of funds appropriated & Conforming Amendment to the Debbie Smith DNA back log grant program). According to the Innocence Project there has been 325 post-convictions DNA exonerations to date in the United States.

Thompson, Tillmin and Ireland are names just in Connecticut who have been released after DNA evidence cleared them, and there is a steep cost to such cases, not only finically but also emotionally for the individuals and the victims' families.

Delaying this would only mean more victims, more criminals getting away with heinous acts against society, possibly more innocent individuals being wrongfully convicted and families left without closure.

I commend and thank Representative Hewett for having the vision and forethought to bring, Jayann Sepich, to Connecticut, twice, to tell her story.

I thank and applaud you for taking up this cause.

*Sergeant Richard Holton  
HPU President*

One Hundred Twelfth Congress  
of the  
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,  
the third day of January, two thousand and twelve*

An Act

To authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Katie Sepich Enhanced DNA Collection Act of 2012”.

**SEC. 2. DEFINITIONS.**

For purposes of this Act:

(1) DNA ARRESTEE COLLECTION PROCESS.—The term “DNA arrestee collection process” means, with respect to a State, a process under which the State provides for the collection, for purposes of inclusion in the index described in section 210304(a) of the DNA Identification Act of 1994 (42 U.S.C. 14132(a)) (in this Act referred to as the “National DNA Index System”), of DNA profiles or DNA data from the following individuals who are at least 18 years of age:

(A) Individuals who are arrested for or charged with a criminal offense under State law that consists of a homicide.

(B) Individuals who are arrested for or charged with a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 1 year.

(C) Individuals who are arrested for or charged with a criminal offense under State law that has an element of kidnaping or abduction and that is punishable by imprisonment for more than 1 year.

(D) Individuals who are arrested for or charged with a criminal offense under State law that consists of burglary punishable by imprisonment for more than 1 year.

(E) Individuals who are arrested for or charged with a criminal offense under State law that consists of aggravated assault punishable by imprisonment for more than 1 year.

(2) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

**SEC. 3. GRANTS TO STATES TO IMPLEMENT DNA ARRESTEE COLLECTION PROCESSES.**

(a) **IN GENERAL.**—The Attorney General shall, subject to amounts made available pursuant to section 5, carry out a grant program for the purpose of assisting States with the costs associated with the implementation of DNA arrestee collection processes.

(b) **APPLICATIONS.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, in addition to any other requirements specified by the Attorney General, a State shall submit to the Attorney General an application that demonstrates that it has statutory authorization for the implementation of a DNA arrestee collection process.

(2) **NON-SUPPLANTING FUNDS.**—An application submitted under paragraph (1) by a State shall include assurances that the amounts received under the grant under this section shall be used to supplement, not supplant, State funds that would otherwise be available for the purpose described in subsection (a).

(3) **OTHER REQUIREMENTS.**—The Attorney General shall require a State seeking a grant under this section to document how such State will use the grant to meet expenses associated with a State's implementation or planned implementation of a DNA arrestee collection process.

(c) **GRANT ALLOCATION.**—

(1) **IN GENERAL.**—The amount available to a State under this section shall be based on the projected costs that will be incurred by the State to implement a DNA arrestee collection process. Subject to paragraph (2), the Attorney General shall retain discretion to determine the amount of each such grant awarded to an eligible State.

(2) **MAXIMUM GRANT ALLOCATION.**—In the case of a State seeking a grant under this section with respect to the implementation of a DNA arrestee collection process, such State shall be eligible for a grant under this section that is equal to no more than 100 percent of the first year costs to the State of implementing such process.

(d) **GRANT CONDITIONS.**—As a condition of receiving a grant under this section, a State shall have a procedure in place to—

(1) provide written notification of expungement provisions and instructions for requesting expungement to all persons who submit a DNA profile or DNA data for inclusion in the index;

(2) provide the eligibility criteria for expungement and instructions for requesting expungement on an appropriate public Web site; and

(3) make a determination on all expungement requests not later than 90 days after receipt and provide a written response of the determination to the requesting party.

**SEC. 4. EXPUNGEMENT OF PROFILES.**

The expungement requirements under section 210304(d) of the DNA Identification Act of 1994 (42 U.S.C. 14132(d)) shall apply to any DNA profile or DNA data collected pursuant to this Act for purposes of inclusion in the National DNA Index System.

**SEC. 5. OFFSET OF FUNDS APPROPRIATED.**

Any funds appropriated to carry out this Act, not to exceed \$10,000,000 for each of fiscal years 2013 through 2015, shall be derived from amounts appropriated pursuant to subsection (j) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) in each such fiscal year for grants under such section.

**SEC. 6. CONFORMING AMENDMENT TO THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.**

Section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)) is amended by adding at the end the following new paragraph:

“(6) To implement a DNA arrestee collection process consistent with the Katie Sepich Enhanced DNA Collection Act of 2012.”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*