



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

**H.B. No. 7013 (RAISED) AN ACT CONCERNING DNA TESTING FOR PERSONS
ARRESTED FOR MURDER OR SEXUAL ASSAULT**

JOINT COMMITTEE ON JUDICIARY

March 20, 2015

The Division of Criminal Justice supports H.B. No. 7013, An Act Concerning DNA Testing for Persons Arrested for Murder or Sexual Assault, and respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE REPORT. This bill increases the ability of law enforcement to identify perpetrators of crime by creating a very limited expansion of the DNA databank. The Division would suggest one change to the bill, however, to enable the Department of Emergency Services and Public Protection Forensic Science Laboratory, which is charged with overseeing the databank, to better comply with the terms of the bill.

As the Committee is aware, the DNA databank has been a powerful tool both in helping law enforcement solve previously unsolved crimes and in exonerating individuals who were suspected of committing crimes. Recognizing the power of the databank to benefit the cause of justice, four years ago, this legislature authorized law enforcement authorities to take biological samples from individuals arrested for serious felonies for the purpose of obtaining DNA profiles to include in the databank. The statute passed, however, provided that a sample could only be taken from a person arrested for a serious felony if the person had previously been convicted of a felony and had not previously supplied a sample for the purpose of developing a profile to be included in the databank.

S.B. No. 7013 proposes only a small change to the current statute. It would allow law enforcement officers to take biological samples from persons arrested for a very limited group of serious crimes – specifically, murder, murder with special circumstances, felony murder, arson murder, and some identified sexual assaults – regardless of whether those persons have been convicted of a felony previously.

The change that is proposed would not result in a drastic expansion of the databank, as many of the individuals charged with the crimes indicated are likely to have been convicted of felonies previously. The proposal also is consistent with legislation adopted in Rhode Island⁽¹⁾ and around the country, as more than half of the states now authorize the inclusion of DNA profiles

taken from arrestees to be included in the databank. The Division would note that in 2013, the United States Supreme Court ruled that the taking of DNA samples from an arrestee did not violate the Fourth Amendment to the United States Constitution.⁽²⁾

The Division does suggest, however, that a provision be included in the bill that would require the Judicial Branch to notify the forensic laboratory if a case in which a profile was obtained from an arrestee was nolle or dismissed. This is necessary to enable the laboratory to comply with General Statutes Section 54-102I(a), which requires the lab to expunge an arrestee's DNA profile from the databank upon the entry of a nolle prosequi or dismissal. The Division has contacted the Judicial Branch which indicated that it would be able to comply with such a provision.

The bill also should contain a provision that would delineate what should occur if the person from whom the sample was taken ultimately is convicted of a crime for which the person would not otherwise be required to register. If the provision is going to require the lab to expunge records upon the person's conviction it should contain a provision which requires the Judicial Branch to provide notice of the conviction.

In short, the Division supports Raised Bill No. 7013 as a means of advancing the cause of justice. We thank the Committee for affording us the opportunity to offer input on this bill and we would be happy to provide any additional information or answer any questions the Committee might.

¹ RI St. § 12-1.5-4 (Authorizing the inclusion in the databank of profiles taken from persons arrested for crimes of violence).

² *Maryland v. King*, 133 S.Ct. 1958 (2013).