



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

IN SUPPORT OF:

**H.B. NO. 5474 (RAISED) AN ACT CONCERNING DNA TESTING FOR PERSONS  
ARRAIGNED FOR A SERIOUS FELONY**

JOINT COMMITTEE ON JUDICIARY

March 23, 2016

The Division of Criminal Justice supports H.B. No. 5474, An Act Concerning DNA Testing for Persons Arraigned for a Serious Felony, and would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report. This bill would allow the state to obtain DNA samples at arraignment from persons who have been charged with serious crimes. It will allow law enforcement to establish conclusively the identity of persons who have been arrested and will ensure that all pertinent information regarding the individual is available to the court at critical stages of the prosecution. The Division would recommend a few small changes, however, to make the bill stronger and more workable.

In every criminal case, it is vitally important for law enforcement to be able to determine the identity of the person who has been arrested. As the United States Supreme Court noted in *Maryland v. King*, 133 S.Ct. 1958, 1971 (2013), "[a]n individual's identity is more than just his name or Social Security number." A person's identity includes his or her criminal history, *Id*, which the police need to know when processing the person and the court needs to know when determining the conditions under which the person should be released or, later, when deciding an appropriate sentence for the individual.

Determining a person's criminal history "necessarily entails searching public and police records based on the identifying information provided by the arrestee to see what is already known about him." *Id*, at 1972. Traditionally, this search has been conducted with photographs and fingerprints obtained from an arrestee. These forms of identification have been compared to information in police files, including unsolved cases, to determine in what crimes the person might have been involved previously.

The DNA taken from individuals at the time of arraignment would be used in the same manner as fingerprints and photographs are now. The DNA profile would be entered into a national database where it would be compared to evidence obtained from crime scenes in an attempt to determine the person's criminal history. The Division notes that fingerprints and other forms of identification are already entered into and searched against a national database. The

DNA is simply a "better fingerprint." Allowing the state to take DNA at the time of arraignment will allow law enforcement and the court to have as much information as is currently possible.

Recognizing the benefits to public safety, more than thirty states and the federal government allow DNA to be taken from some individuals at the time of arrest or arraignment. Connecticut should do likewise.

While the Division supports the bill, we do suggest some changes. Given the serious nature of the crimes being alleged the Division suggests that the language be retained requiring the person to provide the sample before being released from custody. The Division suggests to the extent the bill requires expungement upon dismissal or the entry of a nolle, the bill should provide a mechanism to ensure that the state Forensic Science Laboratory receives notice upon such a disposition. Alternatively, the bill could be amended to require the person to request expungement. The lab does not currently have the capability to track files in court to determine when they are nolleed or dismissed. The lab can verify that a file has been nolleed or dismissed once it has been advised.

In conclusion, the Division would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report incorporating these suggested revisions. We would like to commend the proponents of this legislation on their efforts to promote public safety and thank the committee for allowing us to be heard on this important legislation.