

Current and Proposed Laws Related to the Use of DNA in the Criminal Justice System

April 28, 2009
Chicago, IL

Presented by:

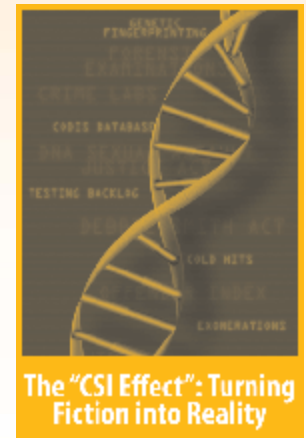
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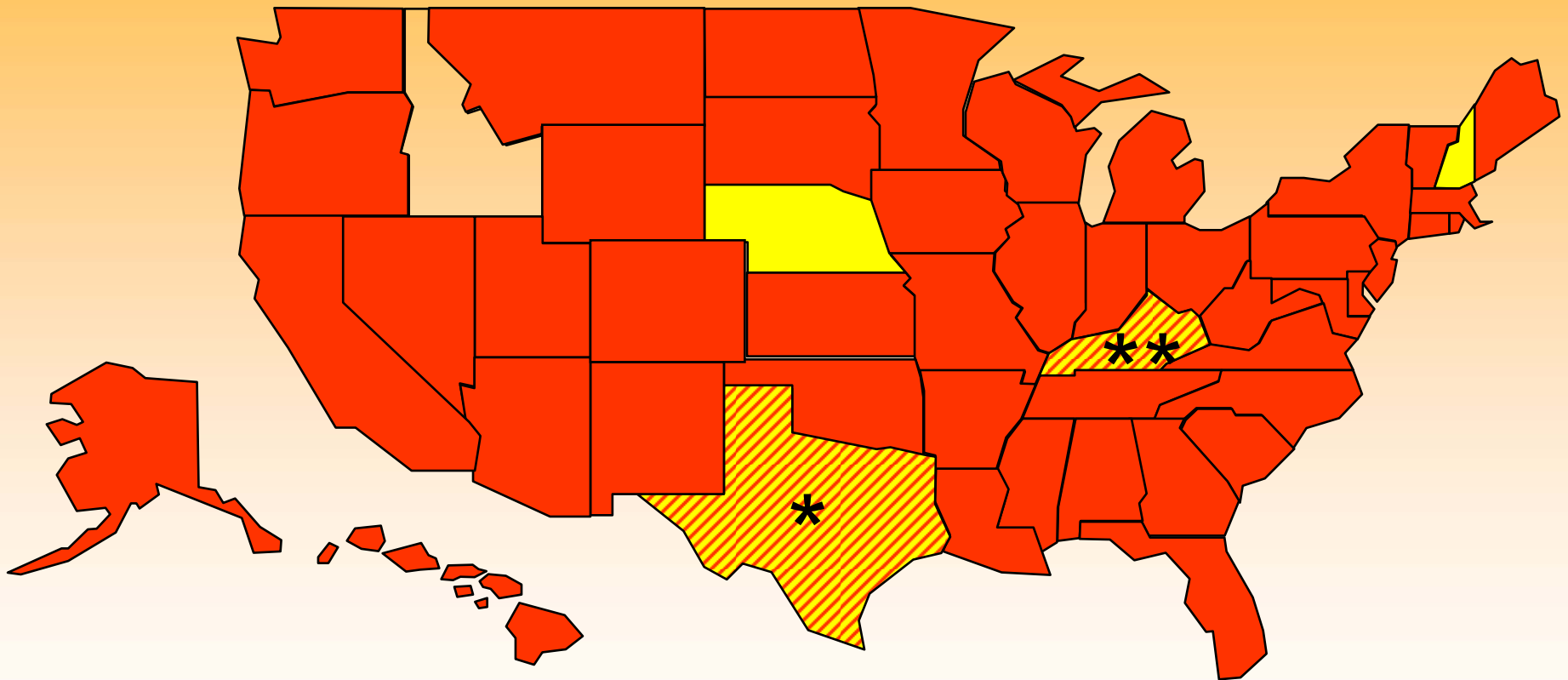
Washington, DC (202) 251-8978

National Center for Victims of Crime
Regional DNA Trainings



DNA DATABASE EXPANSION

Update on DNA Database Expansion 2008 Legislative Sessions ALL CONVICTED FELONS



Collects from all convicted felons (47*)

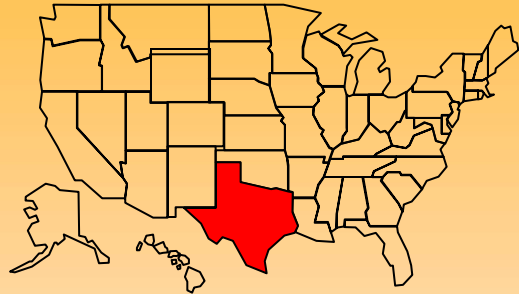
Pending all convicted felons law in 2009 (4*)

* Not felony probationers

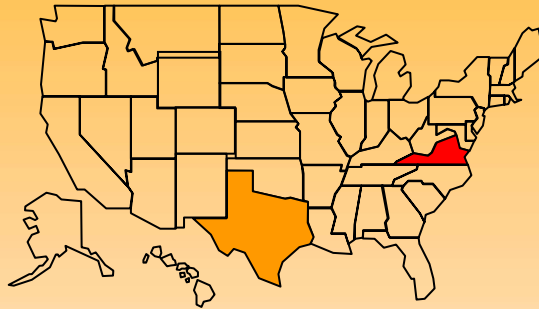
** 2008 law not signed in time

State Trends: Felony Arrestees

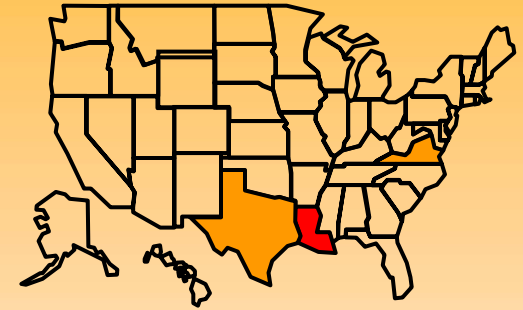
2001 - 1 States



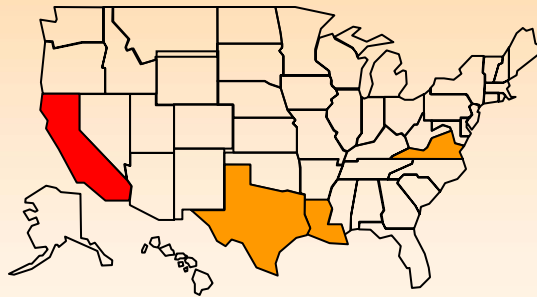
2002 - 2 States



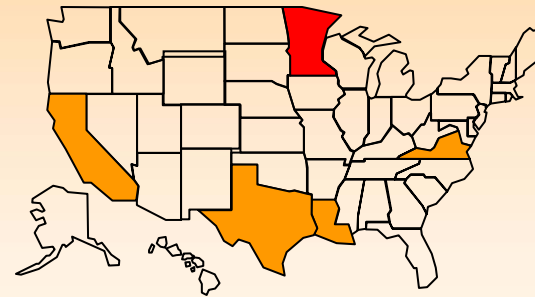
2003 - 3 States



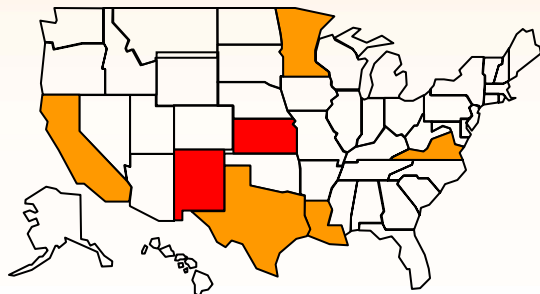
2004 - 4 States



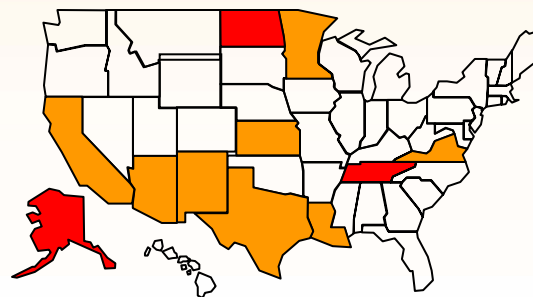
2005 - 5 States



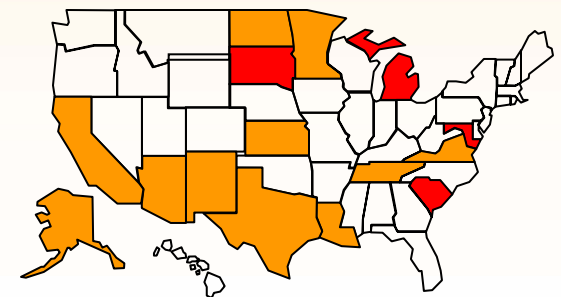
2006 - 7 States



2007 - 11 States

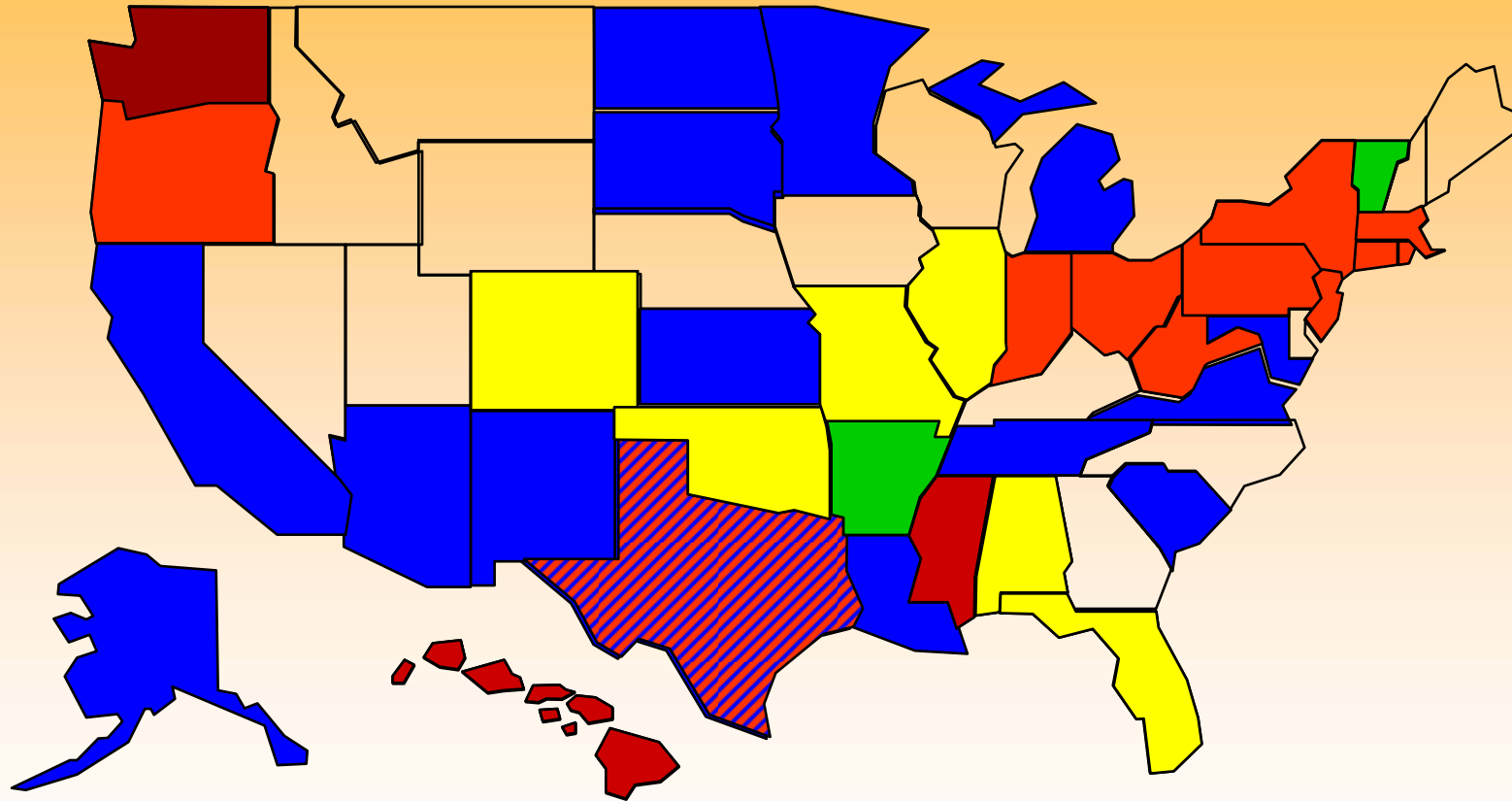


2008 - 15 States



Arrestee DNA Databases

2009 Status



Enacted felony arrestee legislation prior to 2009 (15)

Failed to Pass Arrestee legislation (3)

Introduced felony arrestee legislation in 2009 (23)

Enacted arrestee legislation (2)

Strong legislation pending (23)

BACKLOGS & TURNAROUND

On the Hill...

Turnaround
is the new
Backlog

OAKLAND TRAGEDY

The “Gunman”

Arrested for battery at 13, 14 and 16

2000 No contest plea to crack possession

2001 Theft conviction

2002 Carjacking conviction

2007 Released on parole

2007 Investigated for murder (no charges), returned to prison for parole violations

2009 Warrant issued for parole violation



February 5, 2009

12 year old assaulted

March 20, 2009

DNA match reported to PD

March 21, 2009

4 police officers killed

OAKLAND TRAGEDY

Several missed opportunities for removal
from the general public

No one failure is at fault

What was DNA's Role?

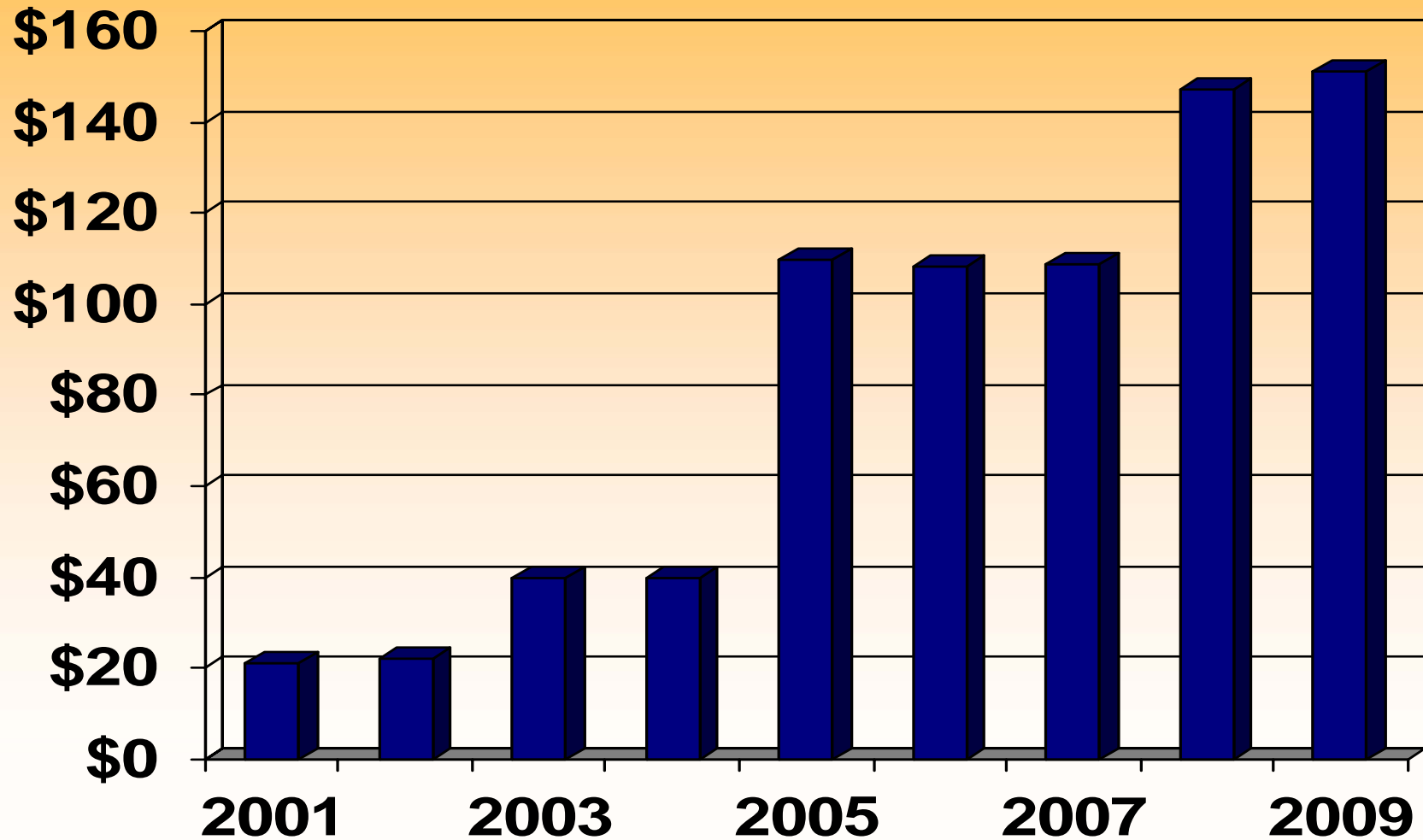
Delay in match follow-up
Delay in processing DNA case



FUNDING

Congressional Funding

Results (in \$ millions) for federal DNA funding



Federal DNA Funding

Labs May Apply For:

Offender Backlog Grants, Casework Backlog & Capacity Enhancement Grants, Increasing Efficiency Grants.

Criminal Justice Agencies May Apply For:

Cold Case Grants, Post Conviction*,

Missing Persons / Unidentified Remains

FREE DNA testing available at Center for Human Identification
(including reference samples)

1-800-763-3147 missingpersons@hsc.unt.edu

Other Training

What Every Law Enforcement Officer Should Know
Collecting DNA Evidence at Property Crime Scenes

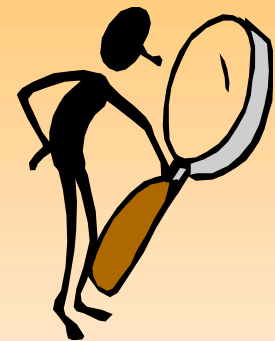
www.DNA.gov

Solving Cold Cases with DNA

Federal grant funding available to identify, review and investigate violent crime cold cases that have potential to be solved using DNA analysis and to locate and analyze biological evidence associated with these cases.

Examples of permissible uses:

- Overtime, contracts and part/full time salaries for case review
- Outsourcing of DNA cases, public lab expenses



More than \$39 million made in awards to jurisdictions in 34 states

	2005	2007	2008
City of Chicago	\$0	\$498,579	\$0
City of Joliet	\$455,301	\$0	\$0
Illinois State Police	\$0	\$400,976	\$0

For more information: www.dna.gov, Program Manager Chuck Heurich, 202-616-9264, charles.heurich@usdoj.gov

Arizona Model?

State Crime Lab Shortfall of \$7.8 Million in 2008

- State lab backbills local agencies for forensic services

- DNA Screening \$150-\$500 per case
- Weapon examination \$245
- Fingerprint checks up to \$600 per case
- DUI Collection kit \$87
- Analysis of fire debris up to \$700

- Examples of bills:

- Surprise PD \$113,008
- Casa Grande PD \$160,514
- El Mirage PD \$81,385
- Cochise County \$137,066
- Yavapai County \$209,000



\$10 million shortfall in 2009 (anticipated)

- More backbilling as a potential solution
- Possible solution: 47% increase for defensive driving school

Public Safety Fees?

ALABAMA

\$2 fee on all municipal, district and circuit court cases, both criminal and civil, in bond forfeiture proceedings, upon initiation of attachment, garnishment or execution proceedings and upon the issuance of any alias or capias warrant of arrest, but NOT parking tickets or small claims

ARIZONA

3% additional penalty assessment on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and for civil traffic violations (state and local). Increased in 2007 to 7% to pay for arrestee testing.

CALIFORNIA

\$1 is for every \$10 in criminal penalties – including Vehicle Code infractions, but excluding parking offenses -- with revenues shared by the state and local governments. The state would receive 70 percent of the revenue in the first two years, 50 percent in the third year, and 25 percent annually thereafter. Increased to \$2 in 2006

INDIANA

\$1 is assessed for any action in which a person is: convicted of an offense; required to pay a pretrial diversion fee; found to have committed an infraction; or found to have violated an ordinance.

MISSOURI

\$30 surcharge in all circuit court proceedings filed in the state and for all felony convictions (including “guilty” and “no contest” pleas), and a \$15 surcharge for all misdemeanor convictions (including “guilty” and “no contest” pleas).

NEW JERSEY

\$2 is added to every fine or penalty imposed and collected by a court for any criminal violation and for any motor vehicle or traffic violation in the state.

THANK YOU

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