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Legislative Corner

State Legislation for DNA Database Expansion Moves Forward

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The 2007 state legislative sessions are well underway, with many already adjourned or drawing to a close for the year. At the time of this writing, twenty-six states introduced bills this year to require DNA upon arrest (or charges) for certain felonies. Prior to 2007, seven states have previously enacted such laws. For many states, the consideration of an expansion to arrestees will include several years of debate and discussion. Issues relating both to individual civil liberties concerns and to funding are hurdles that each state will carefully weigh before moving forward.

Alaska, North Dakota and Tennessee have all enacted legislation in 2007 to expand the DNA database to include felony arrestees (bringing the total to ten). The Alaska and North Dakota laws apply to all felony arrestees, and the Tennessee law is applicable to violent felony arrests. North Dakota's law implementation date is delayed until 2009 due to the anticipated completion of a new crime laboratory in late 2008. Bills in several other states are still pending at this time.

In some instances, states not ready to tackle arrestee databasing issues are instead considering an alternate track to database expansion – inclusion of broad categories of misdemeanor convictions. In 2006, Utah expanded its database to include all Class A misdemeanor convictions, and New York included a significant list of misdemeanors such as high volume crimes of petty theft. In 2007, Washington State and Missouri both considered bills to include a significant number of misdemeanors, and the New York Governor has proposed a further expansion of the state database to include all criminal convictions.

Also of note, Nevada has finally passed a law to require DNA from all convicted felons (becoming the 45th state), and Georgia and Colorado have enacted legislation to close loopholes in their convicted felons DNA statutes (such as applying the law to probation sentences and retroactive applications).

For further information on these bills, and many others, please visit www.dnaresource.com

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