



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony

SB 967: Public Safety - Statewide DNA Database System, DNA Collection, and Penalties - Alterations

Good afternoon, Chairman Smith, Vice Chair Waldstreicher and members of the Senate Judicial Proceedings Committee.

Senate Bill 967 would:

- 1) change the circumstances in which DNA samples are collected and stored,
- 2) change the individuals required to collect DNA samples; and it would
- 3) clarify when a DNA sample may be tested or placed in the statewide DNA database system.

SB 967 would also prohibit a person from refusing to provide a DNA sample and if they violate this requirement, they could be guilty of a misdemeanor and if convicted they would be subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both for the first offense. For the second offense, the individual could face up to a year in prison and a fine up to \$2,500 or both.

In closing, the power of the DNA database is a tool that can be used not only to implicate persons who are guilty of a crime, but it can EXONERATE the innocent. For example, if an innocent person is either being held awaiting trial or has been falsely convicted without being connected to the crime with DNA, a DNA database "hit" to an actual perpetrator in the case can be the basis for the innocent person to be immediately released. Therefore, the stronger that we make the DNA database, the more potential there is to help exonerate the innocent. In addition, MSP will expunge all of the "in limbo" samples even though some of them could be eligible to be tested after fixing the "arraignment."

Therefore, it is for these reasons that I urge this committee for a FAVORABLE report on SB 967.