

Bill Number: SB 967

**Scott D. Shellenberger, State's Attorney for Baltimore County
Support**

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 967
PUBLIC SAFETY – STATEWIDE DNA DATABASE SYSTEM, DNA COLLECTION
AND EXPUNGMENT AND PENALTIES - ALTERATIONS

I write in support of Senate Bill 967 that brings up to date our current DNA Collection/Database Statute.

The first redaction in this Bill is being done because it is no longer necessary. Subsection (a)(2) was needed when the DNA Collection System was first enacted to provide for the ability to collect the DNA sample of those who were sentenced to the Division of Corrections before DNA collection was routinely done. This section is no longer necessary as we have been collecting DNA for a long time and those in jail before the statute went into effect have submitted DNA.

The second set of Amendments is to update the statute to more current practices of when known DNA samples are collected. It adopts the current practice of collecting the sample for any individual about to be released prior to their release date. For individuals detained the sample is collected at the location of detention. The Bill goes onto adopt the practice of collection of samples at correctional facilities, or if only given probation by Probation Agents; or if unsupervised probation by the bailiff at the courthouse. All of these methods are practices currently being done. We need to bring the statute up to current practices.

The Bill reaffirms that samples collected will not be tested or placed into the statewide database system until a District Court Commissioner or judge in District or Circuit Court has determined there is probable cause. The sample can also be tested if a Grand Jury has returned an indictment.

All of the above safeguards are put in place to make sure independent findings have been made by impartial third parties.

Section (g) makes it a crime punishable by 90 days for failure to provide a DNA sample. This is a much needed incentive to obtain a sample as failure to provide a sample was rarely followed by a contempt finding.

Finally, an Amendment has been offered that the DNA sample be destroyed if:

1. At least 1 year has passed from the date of collection of the DNA sample;
2. There is an associated charged in the District Court, the disposition of which is guilty, probation before judgment or placement on the STET docket; or
3. No other qualifying charge for which collection of a DNA sample is authorized under the subtitle has been referred to the Circuit Court.

I urge a favorable report.