

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: S.10 Name of Bill: An act relating to the State DNA database

Agency/Dept: DPS/Lab Author of Bill Trisha Conti, Director, Vermont Forensic Laboratory
Review: _____

Date of Bill Review: 5/16/2016 Related Bills and Key Players: _____

Status of Bill: (check one)

Upon Introduction As passed by 1st body As passed by both bodies

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in # 8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*
This bill seeks to modify existing language to clarify sections, remove references to arraignee sample collection and expand the list of designated crimes for which DNA sample collection is required.
2. **Is there a need for this bill?** *Please explain why or why not.*
This bill would increase the size of the State DNA database, the extent of which is unknown. While this has the potential to solve more crimes, it will cause an increase in the workload of the Vermont Forensic Laboratory (VFL).
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**
There will be an increase in database samples for the VFL to process; the likes of which are unknown at this time.
The majority of database samples are currently processed using federal grant funds. An increase in sample collection comes with an increase both in lab work and administrative work. Depending on the size of the increase, the VFL may need an additional DNA analyst; otherwise the capacity to analyze evidentiary casework could be jeopardized or a backlog of database samples could occur.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**
Collection of DNA from these individuals would need to be done mainly by the Department of Corrections. These individuals are already busy with many supervision tasks, including collection of DNA from offenders charged with the current list of designated crimes.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*
See #4 above.
6. **Other Stakeholders:**
 - 6.1 **Who else is likely to support the proposal and why?**
Law enforcement is a likely supporter since the additional samples entered into the DNA database would potentially increase the chances of identifying suspects in unsolved crimes.
 - 6.2 **Who else is likely to oppose the proposal and why?**

Please return this bill review as a Microsoft Word or PDF document to laura.gray@state.vt.us and Jessica.mishaan@state.vt.us

Likely opponents are individuals who feel their privacy rights are being violated by being forced to submit a DNA sample for the database.

7. **Rationale for recommendation:** *Justify recommendation stated above.*

If adequate support (funding and a DNA analyst position) is implemented with this bill, the VFL would be in support of its passing.

8. **Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

§ 1940 – Expungement.

The bill does not currently include points (b), (c), or (d). Section (b) requires automatic expungement upon notification by the court. This is a huge administrative burden on the VFL. The VFL would prefer to see that the individual needs to request the sample be expunged if either of the circumstances in (a) occurs. If that is not possible, the last line of (b) states, “The department shall notify the person upon completing its responsibilities under this subsection, by certified mail addressed to the person's last known address.” Certified mail costs are constantly going up and are currently more than \$5 per letter. The VFL receives hundreds of expungement orders per year. Many offenders do not leave last known addresses, or the last known address on record does not forward and the letter is returned undelivered. If all of (b) cannot be removed, please strike that last line.

9. **Gubernatorial appointments to board or commission?**

N/A

Secretary/Commissioner has reviewed this document



Date: 5/16/16