



NEWS:

More Open Crimes Could be Closed Under Bill

JANUARY 20, 2017 – A proposal that would give state officials a powerful tool for closing more open criminal cases has resurfaced in the General Assembly.

[House Bill 46](#), sponsored by State Rep. Joe Miro, R-Pike Creek Valley, seeks to broaden DNA sampling.

Current state law requires D-N-A samples to be taken only from those convicted of certain sexual offenses, or crimes against children and vulnerable adults. The bill would expand the scope of that sampling to include those who were arrested and arraigned for these offenses.

Further, the measure would require testing of any individual who is currently incarcerated and convicted of a violent felony.

The constitutionality of this proposal has already been tested in a landmark [U.S. Supreme Court case](#) involving an incident in nearby Maryland. In 2009, Alonzo King was arrested in Wicomico County for menacing a group of people with a shotgun. As part of the booking procedure for serious offenders, a sample of Mr. King's D-N-A was collected with a cheek swab. The D-N-A was matched to an unsolved sexual assault in

Salisbury six years earlier and led to Mr. King being charged and convicted in connection with the incident.

Ruling on the appeal, the High Court found that taking and analyzing an arrestee's D-N-A was reasonable under the Fourth Amendment. The majority concluded that -- like fingerprinting and photographing -- D-N-A cheek swabs were a legitimate police booking procedure.

Supporters of the bill note safeguards and protections outlined in the Supreme Court's ruling have been incorporated into the proposed law, balancing the state's interest in solving crimes against the need to protect the rights of arrested citizens. For instance, the measure requires the destruction of samples and D-N-A records from the state database if an arrestee is not convicted of a qualifying offense.

House Republicans -- State Reps. Mike Ramone, R-Pike Creek South, and Dave Wilson, R-Cedar Creek Hundred -- are co-sponsoring the bill.

The legislation is very similar to a bill introduced in the House in 2015. It died at the end of the 148th General Assembly after Democrats on the House Public Safety & Homeland Security Committee refused to release it for debate on the House floor.

According to a report done on the 2015 bill, the Statistical Analysis Center estimates it would result in 4,900 samples being taken each year. That contrasts to an annual average of 450 samples taken from convicts under the current law.

Should the bill be enacted, it would not be implemented until a federal grant was secured or money was appropriated in the state budget.

House Bill 46 is pending House committee action.

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