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Oppose SB 727: Say No to Expanded DNA Collection

SB 727 dramatically expands collection of DNA information to include all Texans convicted of a felony, including probationers and juveniles. Currently, convicted felons who are sentenced to incarceration and all those convicted of sex offenses must provide a DNA sample.

This would massively expand the size of Texas' DNA collection. Presently about 155,000 people are locked up in Texas prisons, while perhaps triple that number are on probation. The numbers are more stark among juveniles - only a fraction of those adjudicated for felonies are sent to TYC, but many more are adjudicated for felonies and put on probation.

Expanding suspicionless DNA collection does not improve, and can actually harm, public safety. Collecting DNA from individuals not likely to engage in violent crime bogs down the system and can permit violent criminals to continue to prey on new victims. A recent report on the expansion of California's DNA databank shows that expanding the database to all felons resulted in delays of six months or more in analyzing rape kits. In one case, a rapist attacked two more victims, including a child, while his DNA sat on a shelf awaiting analysis.

Texas cannot afford to spend millions collecting DNA from individuals identified by a judge as safe for community release. This bill will cost over \$4 million in State Highway 6 funds for the Department of Public Safety to process the DNA. Even more costs are anticipated by local governments. Collecting DNA samples from around 58,000 new probationers each year will waste law enforcement resources. Further, law enforcement always has the power to collect a DNA sample from a particular probationer based upon individual suspicion, with a search warrant.

Expanding DNA collection undermines the privacy of all Texans. Analyzing DNA evidence provides private information on both the person tested and their family members. About 1 in 11 adult Texans is already a felon. DNA collection should serve a clear and limited role in police investigation to avoid databases filled with all of our most private information. Expanding mandatory collection of DNA to individuals on probation and deferred adjudication massively expands the amount of very private information, about both convicted felons and their close blood relatives, stored by law enforcement.

Most crimes will be solved by ordinary police work, not DNA evidence. Biological evidence exists in fewer than 10% of violent crimes, hardly ever for property offenses. Texas solved its 1000th case with DNA evidence recently; that is out of over 850,000 felony adjudications annually. In other words, most crimes are solved by more routine investigation, not a lucky hit on the DNA database. While it is true that DNA evidence is a useful new tool, the database itself is not a panacea. It is most often useful in serious, violent offenses, but this bill extends its tentacles much more broadly.

Mandatory DNA collection does not help resolve innocence claims. While proponents have portrayed the database as promoting innocence claims, it really does not implicate efforts to exonerate falsely convicted people. While DNA testing has exonerated more than three dozen Texans, that was because evidence from the crime scene (frequently a "rape kit") did not match the person convicted for the offense, not because of samples in the database.