

17102354D

HOUSE JOINT RESOLUTION NO. 711

Offered January 11, 2017

Prefiled January 11, 2017

Directing the Virginia State Crime Commission to study expanding the number of misdemeanor crimes that require the DNA of the person convicted to be included in Virginia's DNA data bank. Report.

Patrons—Toscano, Bell, John J., Bell, Robert B. and Landes

Referred to Committee on Rules

WHEREAS, in 1989, Virginia was the first state in the country to require that persons convicted of a felony sex crime submit a biological sample upon which deoxyribonucleic acid (DNA) analysis could be performed and established the first DNA data bank in the country containing DNA profiles of convicted offenders, pursuant to Chapter 536 of the Acts of Assembly of 1989; and

WHEREAS, in 1990, Virginia expanded the scope of the DNA data bank to include persons convicted of any felony to submit a DNA sample, pursuant to Chapter 669 of the Acts of Assembly of 1990; and

WHEREAS, in 2011, Virginia again expanded the scope of the DNA data bank to include DNA samples from persons convicted of certain misdemeanor sex crimes, pursuant to Chapter 247 of the Acts of Assembly of 2011; and

WHEREAS, in 2015, Virginia again expanded the scope of the DNA data bank to include DNA samples from persons convicted of certain other misdemeanor sex crimes as well as certain other misdemeanors, pursuant to Chapters 209 and 437 of the Acts of Assembly of 2015; and

WHEREAS, currently, 48 states require that DNA samples from persons convicted of any felony be included in those states' respective DNA data banks, and 40 states, like Virginia, require that DNA samples from persons convicted of certain misdemeanors be included in those states' respective data banks; and

WHEREAS, two states, New York and Wisconsin, require that the DNA samples from all felons and misdemeanants be included in their DNA data banks; and

WHEREAS, the inclusion of more DNA samples in Virginia's data bank may result in reducing both crime and the number of wrongful convictions as more DNA samples will be available for testing; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission (the Commission) be directed to study expanding the number of misdemeanor crimes that require the DNA of the person convicted to be included in Virginia's DNA data bank.

In conducting its study, the Commission shall determine which additional misdemeanor convictions, if any, should be included in Virginia's DNA data bank. In making this determination, the Commission shall consider (i) whether convictions for certain misdemeanors correlate with convictions for more serious offenses; (ii) the potential benefits of including more DNA samples in the DNA data bank, including the benefits of reducing wrongful incarcerations; and (iii) the costs of collecting and storing additional DNA samples.

Technical assistance shall be provided to the Commission by the Department of Forensic Science. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2018 Regular Session of the General Assembly. The executive summary shall state whether the Commissioner intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

HJ711