

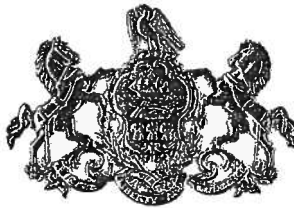
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## Senate of Pennsylvania

December 6, 2010

**TO:** All Senators

**FROM:** Senator Dominic Pileggi 

**RE:** Co-sponsorship of Legislation to Reform the Administration,  
Application and Use of the Pennsylvania State DNA Database

I plan to introduce legislation to provide comprehensive reform of the administration, application and use of the Pennsylvania State DNA Database.

Since the General Assembly codified the Pennsylvania State DNA Database in 1995, there have been great strides in the use of DNA evidence to bring dangerous criminals to justice. In recent years, other states and our Federal Government have adapted their DNA collection and testing policies to reflect the increased capability of forensic science and the reliability of DNA testing.

While Pennsylvania law enforcement agencies continue to make effective use of DNA evidence in obtaining convictions, I believe these changes are necessary to keep pace with technological advances - and to ensure that DNA evidence and samples are collected, analyzed and used appropriately with respect for individual privacy concerns.

This legislation will:

1. *Expand the eligible criminal offenses for which DNA testing is required.* The law in Pennsylvania currently allows DNA samples after conviction of any felony offense and certain misdemeanor offenses related to child luring and indecent assault. Studies have shown that the collection of DNA from individuals who commit lower level "gateway" crimes facilitates the prosecution of unsolved felonies. The legislation will expand DNA collection to include certain misdemeanor offenses including concealing the death of a child, endangering the welfare of a child, reckless endangerment, simple assault against a child, and unlawful restraint.

2. *Expand DNA testing to arrested individuals upon a judicial determination that probable cause exists for criminal charges.* The law in Pennsylvania only authorizes the collection of DNA samples from individuals convicted or subject to an accelerated rehabilitative disposition (ARD) order. Twenty-one states and the federal government now obtain DNA samples from arrested individuals.
3. *Require the automatic purging of the DNA records of exonerated individuals.* Pennsylvania law currently requires that DNA records shall be expunged under certain circumstances only when the exonerated individual whose DNA record is in the State DNA Database requests that it be done. This legislation will require automatic purging of DNA records for exonerated individuals without the request of the individual.
4. *Clarify existing language to ensure the privacy and proper use of DNA records.* Pennsylvania law currently allows the maintenance of DNA records in the State DNA Database for research and law enforcement identification. This legislation will clarify this language to prohibit the use of DNA records for research into genetic markers for aggression, substance addiction, criminal tendencies and other characteristics.
5. *Authorize the use of "partial match" DNA searches.* Other states, including Florida, Colorado, and California, allow "partial match" DNA searches. A "partial match" consists of a crime scene DNA sample that does not exactly match a DNA sample in the State DNA Database but does contain enough common characteristics to indicate that the source of the crime scene DNA may be a relative of the offender in the DNA Database. This legislation will allow the name of the offender who is a "partial match" to be released to law enforcement officials under certain conditions to allow further investigation into whether or not a relative of the offender is the source of the crime scene DNA sample or otherwise responsible for the crime.
6. *Codify accreditation requirements for forensic DNA testing laboratories.* Pennsylvania law requires that DNA records be maintained consistent with FBI procedures and that the procedures include quality assurance guidelines to ensure that DNA identification records meet standards for laboratories which submit DNA records. This legislation will require that forensic DNA testing laboratories are accredited laboratories in compliance with the standards of The FBI Quality Assurance Standards for Forensic DNA Testing Laboratories or The American Society of Crime Laboratory Directors / Laboratory Accreditation Board.

7. *Require continuing education for forensic DNA testing personnel.* The FBI Quality Assurance Standards for Forensic DNA Testing Laboratories recently established continuing education requirements for personnel of forensic DNA testing laboratories. This legislation will require regulations to assure that forensic DNA testing laboratory personnel in Pennsylvania comply with these standards.

If you would like to co-sponsor this legislation, please contact Michelle Kreiger at [mkreiger@pasen.gov](mailto:mkreiger@pasen.gov) or 787-4712.

DP/RW/kss