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Thursday, February 14, 2008

Bill calls for DNA tests on suspects

House panel OKs bill that broadens law requiring samples from felons.

Charlie Cain / Detroit News Lansing Bureau

LANSING -- Suspects accused of murder, rape, kidnapping and other violent felonies would be forced to submit to DNA testing under legislation before the state House.

The measure, approved Wednesday with no dissenting votes by the House Judiciary Committee, would broaden current law that requires DNA samples from those who have been convicted of a criminal felony.

Supporters of the legislation, part of a national trend, say it would give law enforcement another tool to solve older cases and prevent crimes.

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"The idea is to make it easier to apprehend some of these vicious killers, especially in the area of rape," said Rep. Aldo Vagnozzi, R-Farmington Hills, the chief sponsor of the bill.

Vagnozzi said he's confident the House will approve the legislation before the Easter break, but didn't know the Senate timetable for dealing with the measure.

Critics say the bill could provide law enforcement with overly broad powers.

"This proposed law raises some concerns including one that it would invite overzealous police investigations," said Larry Dubin, a law professor at the University of Detroit Mercy who specializes in

legal ethics and civil and criminal litigation.

"The police would have the ability to acquire DNA information about individuals simply through an arrest even if the charges were subsequently dismissed."

The American Civil Liberties Union of Michigan also has reservations, largely on grounds that those arrested for a crime have the right to be considered innocent until and unless a court decides otherwise.

"There is no provision that the DNA would be removed from the database if a person is acquitted or otherwise let go," said Shelli Weisberg, legislative director for the group.

Weisberg said about 10 states have adopted similar legislation in recent years and another 10 others are considering it.

Legal challenges are expected in a number of those states, she said.

Enacting the measure into law would carry an unknown price tag, Vagnozzi acknowledged.

He said the House Fiscal Agency is preparing an analysis that will be available before the House votes.

Other violent crimes covered under the legislation include felonious assault, carjacking and armed and unarmed robbery.

DNA is genetic material that is unique to each person and can be found in hair, skin, blood, saliva, semen and other types of cells.

Since 2001 every convicted felon in Michigan has been required to submit to DNA testing, normally a swab sample of the saliva.

The Combined Offender Data Information System maintained by the Michigan State Police has a DNA database of more than 210,000 convicted offenders, one of the largest in the nation.

As recently as 2004 the state was experiencing a backlog of as much as eight months for DNA testing.

That has since been substantially reduced in part because of federal grants.

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