

STATE REPRESENTATIVE  
**DEAN KNUDSON**

30TH ASSEMBLY DISTRICT

Committee on Criminal Justice and Public Safety  
Public Hearing- AB 621  
January 28, 2016

Mr. Chairman and Members,

Thank you for the opportunity to testify in favor of AB 621, which would require the expungement of a person's DNA from the state crime lab if they are found not guilty of their charge.

As many of us know, the state's policy on collection and use of DNA has been hotly debated over the last several years. Increasing advances in technology mean more ways for law enforcement to do their jobs better. However, new technology must be balanced with the immovable right to privacy for all citizens. That is why Senator Taylor and I have introduced AB 621, a remarkably bipartisan bill. Of the thirty Assembly co-sponsors, 18 are Republicans and 12 are Democrats. Protecting personal liberty is not a matter of partisan affiliation; rather, it is a commitment we all make when we swear an oath to defend the Constitution.

Law enforcement must have access to technology that allows them to protect and serve us well, as they do now. We do not dispute that. We also believe that there is nothing more inherently personal than one's DNA, and that requiring someone to hand it over should be done only when absolutely necessary.

When someone is arrested for a serious crime in Wisconsin, they are required to provide a DNA sample at arrest. If they are convicted, that sample remains with the state crime lab, as it should. However, in cases where they are found not guilty, we believe that the state should not continue to hold that sample. Right now, if a person is found not guilty of a charge for which they provided a sample, they may petition to have their DNA removed from the crime lab. We believe that this places the burden on the wrong entity. Someone who has endured a trial and been found not guilty by a jury of their peers should not have to further petition to have their DNA removed.

We have worked with the Department of Justice and law enforcement from across the state to address potential concerns regarding this bill, which is why you have Assembly Amendments 1 and 2 in front of you. This changes the bill in two ways. The first: If someone has multiple pending charges against them, they must be found not guilty of all charges for which they were

required to provide a sample before the DNA could be expunged. Secondly, there are occasionally cases in which a person was required to provide a sample but hasn't. In that case, or any other where they would be otherwise obligated to have a DNA sample in the database, the sample would not be expunged.

We appreciate your time. I'm happy to answer any questions.



# LENA C. TAYLOR

Wisconsin State Senator • 4th District

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## Testimony of State Senator Lena C. Taylor

### In support of Assembly Bill 621

*Assembly Committee on Criminal Justice and Public Safety*

*January 28, 2016*

Chairman Kleefisch and members of the committee,

Thank you for holding a public hearing on this important piece of legislation. Assembly Bill 621 will help protect the rights of those wrongfully accused of a crime.

Currently, people who were required to submit a deoxyribonucleic acid (DNA) sample and are found not guilty or delinquent of a crime are required to request themselves that their records and DNA be destroyed, and the Department of Justice (DOJ) must verify that the person was found not guilty before complying with this request.

Assembly Bill 621 will protect the rights of Wisconsin residents who are found not guilty or delinquent of a crime by requiring expungement of their DNA. Rather than require that the person wrongfully accused contact DOJ to have their samples destroyed, the court will inform DOJ when the person is found not guilty, and DOJ will destroy all biological samples relating to that person and that crime.

The Fourth Amendment of the Constitution protects citizens against unreasonable searches and seizures. When a person is found innocent, continuing to hold their DNA is an unreasonable seizure by the government. This personal information should be destroyed, and those wrongfully accused should not have to request the DOJ comply with this right.

At least nine states utilize this type of DNA expungement. If an individual is found not guilty or delinquent, every effort must be made to help them return to as normal a life as possible.

The sad truth is that we have racial disparities in our corrections system in Wisconsin. A 2012 Milwaukee Journal Sentinel report found that black drivers were seven times more likely to have contact with the police than white drivers. Furthermore, Wisconsin has the highest incarceration rate in the nation of black men. It is, therefore, not outside the realm of logic to take those statistics one step further to see how this bill will particularly impact the African American community.



The simple fact is that our government has no business keeping innocent people's DNA on file. Being wrongfully accused causes numerous collateral consequences in the life of the accused. As such, our government should do its level best to right our wrongs and destroy innocent people's DNA.

Thank you for giving this bill a public hearing. I hope this committee will schedule this bill for an executive session at our next meeting so that it may get to the floor before the end of session.