



# Sacramento County District Attorney's Office

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## **AB390: The DNA Database Crime Prevention, Innocence Protection, and Safe Neighborhood Act**

**Background:** The California DNA Databank has helped solve thousands of violent crimes. Many of these violent crimes, including rape and murder, have been solved as a result of offenders in the DNA Databank for felony theft and drug related crimes. As a result of Prop 47, these drug and theft crimes have now been reclassified as misdemeanors and are no longer qualifying offenses for entry into the DNA Databank. As a result, the ability to solve violent crime will be greatly diminished. This bill will meet the stated goals of the Safe Neighborhoods and Schools Act (Prop 47) by keeping neighborhoods safe from dangerous recidivist sex and violent offenders who would otherwise remain undetected for their worst offenses.

This bill will also ensure that the goals of AB1517 Rape Kit Testing Law are fulfilled by identifying dangerous rapists. AB1517's goal of solving rape cases would be severely diminished if large groups of criminals were no longer entered into the DNA database for comparison.

Finally, this bill will affirm authorization to search samples from specified convicted offenders affected by Proposition 47. This bill is consistent with the federal government and the State of New York, wherein the collection of DNA from all misdemeanor convictions is authorized by law. Additionally, thirty eight other states allow for collection of DNA from a variety of misdemeanor offenses.

Similar legislation to this bill is also pending in Virginia and Vermont in regards to misdemeanor collection.

### **Legislative Highlights:**

- Allows collection of DNA from Criminal Offenders convicted for offenses previously classified as felonies such as 2<sup>nd</sup> Degree Burglary, Possession of Stolen Property, and Possession of Drugs.
- Targets collection of DNA from Criminal Offenders for classes of crimes that have previously resulted in hits in the DNA Databank.
- Proposal is consistent with 38 other states that collect from misdemeanor offenders.
- Confirms that the CA DOJ may retain samples previously entered into the DNA Databank prior to the passage of Proposition 47.

### **Statistics Prove the Need**

- There is a statistical correlation between solving violent crime and theft and drug convictions.
- Approximately 255,000 samples of criminal offenders could be affected by the passage of Proposition 47.
- A California Department of Justice study found that the majority of hits to violent crimes came from individuals with no prior felony convictions.
  - In 82 percent of the cases studied, it was observed that the unsolved murder, rape or robbery was committed prior to the commission of the new lower level crime. Thus entry

of DNA from convicted offender of low level felonies and specific misdemeanors can help identify serious and violent offenders and help solve old rapes, murders and robberies.

- Most serious cases are solved by a new arrest for a low level offense or non-serious felony.
- Data from New York's collection of DNA from misdemeanants clearly demonstrates the value and need for this proposal.
- In 2006, New York authorized DNA collection for misdemeanor petit larceny. Since that time, individuals convicted of that misdemeanor have been linked to 1,078 crimes, including 457 burglaries, 238 sexual assaults, 137 robberies and 57 homicides.
- New York has had 4,130 DNA hits from convicted misdemeanor offenders. Of that number 2,458 were cases of either burglary, robbery, sexual assault or homicide. The top four categories of misdemeanor crimes that put the offenders in the database that solved those cases were petit larceny, criminal trespass, third degree assault (misdemeanor assault) and possession of a controlled substance.