

**Bill aims to fix problem in collecting DNA from criminals**  
**Law enforcement officials say Prop 47 had an unintended consequence**  
**By Sharokina Shams KCRA**  
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SACRAMENTO, Calif. (KCRA) —When voters passed Proposition 47 last November, they agreed to a law that aims to divert low-level criminals to drug and mental health treatment rather than to prison.

The law, which changes the classification of some drug crimes, theft and forgery to misdemeanors rather than felonies, also will save taxpayers money, advocates argued.

But now, law enforcement officials around the state are saying Prop 47 had an unintended consequence: the number of DNA collections from criminals has plummeted.

"I think a lot of voters didn't know the details of the law," said Assembly Member Jim Cooper, D-Elk Grove. "The devil's in the details and folks didn't know that."

Cooper and other state lawmakers gathered with district attorneys from around the state at the state Capitol on Thursday to push a bill that they say would fix a problem created by the proposition.

The problem stems from the fact that California law allows the state to collect DNA only from criminals convicted of felonies, not those convicted of misdemeanors, they said.

So, the passage of Prop 47 has meant that thousands of convicts who would otherwise have had to submit to DNA collection now don't --because their crimes have been reclassified as misdemeanors.

"Why does it matter, thefts and drugs?" said Sacramento County District Attorney Anne Marie Schubert. "Because the data shows the correlation. If you look at the Department of Justice studies, there's a direct correlation between theft and drug crimes and solving violent crimes."

Schubert and Cooper named examples of rapists and murderers who were only identified when they committed much lesser crimes, and their DNA then proved to match DNA connected to crime scenes.

"I'm a believer," said Dr. Richard Riggins, the father of John Riggins, who, along with his girlfriend, Sabrina Gonsalves, was kidnapped, sexually assaulted and killed in December 1980.

The victims were 19 years old and the killings became known as "The Sweetheart Murders."

Police had collected DNA from a blanket in their van. More than two decades later, it was matched to Richard Hirshfield, who was serving time in Washington for sex crimes.

"I'm sure that this case would be open today if it had not been for the DNA," Richard Riggins said Thursday. "Nobody had heard of Richard Hirshfield."

Cooper's bill, AB 390, would require DNA collection for the same convicts whose DNA was being collected before the passage of Prop 47.

Not everyone is sure they agree with the bill.

The American Civil Liberties Union, for example, said it hasn't yet taken a position, but questions the need for the bill.

"DNA contains all sorts of sensitive, private information -- and collection of DNA evidence (possesses) special threats to civil liberties and civil rights," the ACLU said in a statement.

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