

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 9 - 0 - 1

Yeas: Barton, Cameron, Garrett, Krieger, Olson, Smith J., Stiegler, Whisnant, Barker

Nays: 0

Exc.: Shields

Prepared By: Shannon Sivell, Counsel

Meeting Dates: 5/19, 5/27, 5/28

WHAT THE MEASURE DOES: Requires law enforcement agency in aggravated murder, murder, manslaughter I and II, criminally negligent homicide, aggravated vehicular homicide, and sex crimes to preserve biological evidence in amount sufficient to develop a DNA profile. Provides exception if evidence is of such a size as to make retention impracticable. Takes effect upon passage. Sunsets on January 2, 2012.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: As technology has improved, DNA has become an ever more important piece of evidence in criminal cases. DNA can exonerate and it can convict. There are currently laws that provide for the collection and retention of DNA and yet other statutes that provide a framework for when and how DNA may be used. However, Oregon does not have a uniform provision requiring courts and law enforcement agencies to preserve physical evidence containing DNA so that it may be tested in the future. SB 310A requires the collection and retention of biological evidence in an amount sufficient to establish a DNA profile in certain criminal cases.