



Divisive DNA plan nearly law

State would catalog those arrested, not just convicted; critics worried

Amanda J. Crawford
The Arizona Republic
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State lawmakers voted Tuesday to expand the state's DNA database dramatically by requiring all people arrested for certain crimes to provide DNA samples for state records whether they are convicted or not.

Conservative and liberal lawmakers alike raised alarms that the measure would violate the civil liberties of people never convicted of a crime and set a dangerous precedent for government collection of sensitive genetic information.

"I think it is egregious," Rep. Eddie Farnsworth, a conservative Republican from Gilbert and chairman of the House Judiciary Committee, said on the House floor Tuesday. "It tramples on the liberties and freedom of the people."

Supporters say the move provides an expanded crime-solving tool for law enforcement and compared taking a DNA sample to taking a mug shot or fingerprints at the time of arrest. Current law requires DNA samples only after a person is convicted of certain felonies.

"As we build that database, more people will be caught before police have to stake out a hotel room and wait for a second victim," said Sen. Chuck Gray, R-Mesa, a former police officer who is the measure's key backer.

The provision, part of the state budget package, is now waiting action by Gov. Janet Napolitano, who is expected to sign the overarching bill as part of the agreed-upon state budget.

The \$2 million- to \$3.5 million-a-year program would be paid for by higher fines for traffic tickets and other criminal and civil offenses, which would go up 4 percent.

Opponents cried foul that what amounts to a significant change in state policy was wrapped into a budget bill, without going through the lengthy public hearing process required of individual bills.

A bill with similar provisions introduced by Gray earlier this year struggled to get out of Senate committees as lawmakers from both parties raised red flags about privacy rights.

Rep. Kyrsten Sinema, D-Phoenix, called it a "radical change" in law that would disproportionately affect minorities and presume everyone arrested is guilty.

"I believe this is a very, very scary step toward a Big Brother state," she said on the House floor.

The measure would require local police to take DNA samples of anyone arrested in connection with a host of crimes, both misdemeanors and felonies. Those charges include prostitution, indecent exposure, burglary, sexual assault, child molestation, homicide and crimes involving a weapon.

That DNA would remain on file with the state even if the person was acquitted or if charges were never brought or dismissed. In those cases, a person could petition the court to expunge the DNA from the database.

Sinema and other critics noted, though, that the court is not required to do that and that the process could require them to obtain an attorney.

But while critics said the policy change goes too far, Gray said he doesn't think it goes far enough. His original bill would have required DNA samples of anyone booked on any charge. He wants to expand the DNA collection to do that.

Gray said that he believes the majority of all criminals have been arrested in the past and that police often know someone has "been up to no good" even if they don't have the evidence to make charges stick.

"You can live in fear all your life, or you can go out and proactively address crime," Gray said.

The move is not unprecedented. The federal government is working to draft rules to implement a similar program to collect the DNA from tens of thousands of people accused of federal crimes, mostly immigration violations. That measure passed quietly last year as part of an amendment attached to the reauthorization of the Violence Against Women Act and was praised by crime victim organizations.

Alessandra Soler Meetze, executive director of the American Civil Liberties Union of Arizona, warns that there are no limitations on how the government could use the DNA once it is collected. The Department of Public Safety has said that access to its database is controlled and only for law enforcement purposes. But Meetze raises the specter that, down the road, the DNA could be sold to private entities like insurance companies or researchers.


"It should raise serious privacy concerns for everyone in this state," Meetze said.

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Ever heard of what happened in Nazi Germany? This proposed law is absolutely without a doubt another move toward taking away peoples freedoms. Another point is that with a person giving up his/her dna it leaves people subject to that dna being used to set people up who the government for whatever reason does not want around. It is time to think and it is time to raise your voices, it is supposed to be government by the people, not government by the government.

- [Mike5383](#) | [Profile](#)
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I'm glad I was born early enough to get a glimpse of a free America, before people like Senator gray began to turn it into a sad parody of an oppressive regime. Have you ever studied the US Constitution, Senator?

- [RandomRhetoric](#)
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I'm totally against this. This has Police State and Big Brother written all over it. What a rampent violation of our civil liberties! Can you hear the East German national anthem circa 1942 in the background?

We need to stand up as voters in this state and get these "criminal" lawmakers out of office.

What really boils my blood is that these "law makers" play dirty with piggybacking these controversial bills on the back of others that will get approved simply due to the fact that they are usually budgetary.

Inclusions that impede on civil liberties most definitley need to be debated in a public forum. You don't just stomp on civil liberties because you're a special interest "law maker." How dare you make such a decision for ME without MY conscent. Stop living in fear!

All of my representatives and the Governor will surely be hearing from me on this one.

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Once again the Tree of Libery loses a few more shavings, this time our right to privacy is whittled away a little more...any ideas what is going to happen when (not if) the insurance companies hack into this database and use it to make even more profits by examining individuals for genetic predispositions ????

Silly fools chasing thier safety at the cost of our liberty.....

- [Stephen9819](#) | [Profile](#)
- Posted: Jun 20, 2007 at 4:58 AM
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they came for me...and there's was no one left to protect me...scary stuff..but have you had enough.....vote them out.

- [John2500](#) | [Profile](#)
- Posted: Jun 20, 2007 at 6:15 AM
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I suggest a rider be added to the bill - any state lawmaker must provide DNA samples. They must also be required to take the AIMS test (and pass). That will help protect all of us.

- [Doug5954](#) | [Profile](#)
- Posted: Jun 20, 2007 at 6:55 AM
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I worked with a few over 22 years as a Phoenix Police officer that Gray reminds of. This is totally a Police State move and when a person is not guilty of a crime,he is not a criminal! All arrests are NOT good arrests,in fact many are corrected by superiors before they get to jail,some fall through the cracks and end up in jail. Maybe Gray should start a military academy or look into job opportunities in third world police departments. Hopefully this will be corrected by the governor.

- [harry9479](#) | [Profile](#)
- Posted: Jun 20, 2007 at 6:59 AM
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WOW, look at all the negative feedback and paranoid people, or have they got something to hide. To suggest the government would set them up with DNA. Sounds like good 007 movie to me. They could just use fingerprints after the arrest and say they were collected at the scene. That would be a lot cheaper and still place the person at the scene of the crime. Oh No.. now they will want to eliminate fingerprints as a crime fighting tool too. If one of these skeptics knew somebody wrongfully accused or they were in jail for a crime they truly did not commit, then they would be carrying the flag for mandatory DNA testing to prove their innocence. Seems to me there have been a lot of wrongly convicted people released thanks to DNA testing. Take more tools away from the people sworn to protect you and ask why you get robbed or raped.


- [Dave306](#) | [Profile](#)
- Posted: Jun 20, 2007 at 6:59 AM
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Q. Why is there/should there be any difference between the collection and retention of DNA & fingerprints ?

What's the difference between DNA & fingerprints ?

- [Ed3403](#) | [Profile](#)
- Posted: Jun 20, 2007 at 7:59 AM
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How often do Eddie Farnsworth and Kyrsten Sinema agree? If BOTH of these folks think this is bad, it's probably bad - real bad.

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