



FOR IMMEDIATE RELEASE
February 19, 2015

Contact: Taryn Kinney
(916) 319-2009

Cooper Introduces DNA Collection Legislation *Bill will help solve murders, rapes and other serious and violent unsolved crimes*

SACRAMENTO – At a press conference today, Assemblymember Jim Cooper (D-Elk Grove), along with Sacramento County District Attorney Anne Marie Schubert, San Bernardino County District Attorney Mike Ramos, crime victim’s families, and bill supporters, announced the introduction of AB 390. The bill would fix an unintended consequence of Proposition 47 and would allow DNA collection of criminals convicted of crimes that were previously felonies but are now reclassified as misdemeanors.

“More than 250,000 offenders could now be excluded from the DNA database as a result of Proposition 47,” said Assemblymember Cooper. “AB 390 will protect the public safety and ensure the ability of law enforcement to connect convicted criminals with their unsolved crimes of the past,” Cooper added.

Proposition 47, The Safe Neighborhoods and Schools Act, approved in November 2014, reclassified as misdemeanors a number of felony crimes including drug offenses, fraud, theft and forgery. The reclassification of felony offenses to misdemeanors will result in a significant reduction of DNA samples collected from offenders and will negatively impact the ability of law enforcement to solve rapes, murders and other serious and violent crimes through reliable DNA evidence.

Prior to Proposition 47, the DNA database was expanding and had tremendous success accurately identifying individuals who have committed prior unsolved murders, rapes, assaults, home burglaries and other serious and violent crimes while exonerating others. Additionally, the DNA database has ensured the integrity of convictions so that innocent individuals are not needlessly investigated, arrested, prosecuted or convicted. Thirty-eight states already collect DNA database samples for various misdemeanor offenses.

Sacramento County District Attorney Anne Marie Schubert said, “DNA technology is the greatest tool ever given to law enforcement to seek the truth—to find the guilty and exonerate the innocent. California’s DNA Databank has solved thousands of cold case murders, rapes and other violent crimes. Many of these were solved because DNA was collected from offenders who committed theft and drug crimes. Collection from these types

of offenders is critical to solving the thousands of violent crimes that remain unsolved. This bill ensures that the DNA Databank will continue to provide answers and justice for victims across California. It will further 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.”

In Sacramento County, DNA helped solve a 20-year old murder of an elderly woman. Sophia McAllister, 80 years old, was brutally raped, robbed and murdered in her home in 1989. The killing went unsolved for 20 years until Donald Carter was arrested in 2009 on an unrelated low level drug possession charge. A DNA sample was taken and entered into the DNA database resulting in a match with the forensic sample taken at the scene of the murder. A jury found Carter guilty in the murder.

This is just one example of the many cases which have been solved through the DNA database by connecting low level offenders to unsolved crimes of the past. Under Proposition 47’s reclassification of felonies to misdemeanors, the murder of Sophia McAllister would not have been solved.

AB 390 would enhance current law to include specified misdemeanor convictions subject to DNA sample database collection when such crimes are committed by adult offenders. Solving rapes, murders, and other serious or violent crimes through reliable DNA evidence will help keep neighborhoods safe from dangerous recidivist offenders who would otherwise remain undetected.

AB 390 is supported by Sacramento County District Attorney Anne Marie Schubert, San Bernardino County District Attorney Mike Ramos, and Crime Victims United. The bill will be considered by the legislature in the coming months.

###

Assemblymember Cooper represents the Cities of Sacramento, Elk Grove, Galt and Lodi.