

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 13

BY REPRESENTATIVE MORENO

CRIME/DNA: Directs the La. State Police Crime Lab to study and make recommendations regarding the use of "familial DNA" in Louisiana

1                                   A CONCURRENT RESOLUTION

2     To direct the Louisiana State Police Crime Lab to study and make recommendations on the

3             implementation of, and protocols for the effective use of, familial DNA searching

4             in Louisiana, and to report its findings to the legislature no later than January 1,

5             2018.

6             WHEREAS, since the advent of deoxyribonucleic acid (DNA) testing in 1985,

7     biological material found in skin, hair, blood, and other bodily fluids has emerged as the

8     most reliable physical evidence from a crime scene; and

9             WHEREAS, since DNA profiling was first used to obtain a criminal conviction in

10    1987, the use of DNA in criminal investigations has become a critical tool in the

11    investigation and prosecution of crimes; and

12             WHEREAS, the advancement and wider use of DNA profiling has been driven, in

13    large part, by the development of the Combined DNA Index System (CODIS), software

14    designed by the Federal Bureau of Investigation (FBI) to facilitate the sharing and searching

15    of DNA profiles both within and between jurisdictions across the country, authorized

16    pursuant to the DNA Identification Act of 1994; and

17             WHEREAS, due to the inherited nature of DNA and the fact that family members

18    share more genetic characteristics than non-related individuals, in recent years, many

19    jurisdictions have expanded the use of DNA profiling even further by conducting a search

20    of a DNA database with the intended purpose of potentially identifying close biological

21    relatives of the source of an unknown forensic profile obtained from a crime scene; and

1           WHEREAS, this expanded use of DNA profiling to identify family members, known  
2 as "familial DNA searching", has been used most extensively in the United Kingdom, but  
3 has been adopted in recent years by many jurisdictions throughout the United States; and

4           WHEREAS, in 2008, California became the first state in the country to authorize  
5 familial DNA searches, Colorado followed in 2009, and it has now been used in at least eight  
6 other states; and

7           WHEREAS, according to an article in the *New York Times* regarding the use of this  
8 technology, California has solved seven cases using familial DNA searching and other  
9 jurisdictions are finding successes with the technology as well; and

10           WHEREAS, proponents of familial DNA searching have cited its potential to prevent  
11 crime and improve public safety, and although this technology helps to facilitate the  
12 identification and conviction of suspects and resolve cold cases, it has also been used to  
13 exonerate those who were wrongfully convicted and prevent wrongful convictions in the  
14 future.

15           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
16 direct the Louisiana State Police Crime Lab to study and make recommendations on the  
17 implementation of, and protocols for the effective use of, familial DNA searching in  
18 Louisiana, and to report its findings to the legislature no later than January 1, 2018.

19           BE IT FURTHER RESOLVED that the Louisiana State Police Crime Lab is directed  
20 to study and report the costs of implementation and use of this technology.

21           BE IT FURTHER RESOLVED that the Louisiana State Police Crime Lab is directed  
22 to study and report the benefits of using this technology and to review programs and  
23 protocols from other jurisdictions, throughout the United States and internationally, to  
24 identify best practices from those jurisdictions that have successfully implemented familial  
25 DNA searching programs.

26           BE IT FURTHER RESOLVED that in studying and developing the  
27 recommendations for the implementation of familial DNA searching in Louisiana, the  
28 Louisiana State Police Crime Lab is directed to solicit and obtain input from various  
29 stakeholders, including but not limited to prosecutors, criminal defense lawyers, judges,  
30 victim advocates, and law enforcement.

1           BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted  
2 to the director of the Louisiana State Police Crime Lab.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HCR 13 Original

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Directs the La. State Police Crime Lab to study and make recommendations on the implementation of, and protocols for the effective use of, familial DNA searching in Louisiana, and to report its findings to the legislature no later than Jan. 1, 2018.