

Statement of
The Honorable Orrin Hatch.

United States Senator
Utah
May 14, 2002

COMMITTEE STATEMENT: "USING DNA EVIDENCE IN SEXUAL ASSAULT CRIMES"

Statement of Sen. Orrin Hatch

before the

Senate Judiciary Committee Subcommittee on Crime and Drugs

"DNA Testing for Sexual Assault."

Mr. Chairman, in the span of just the last few years, we have witnessed DNA testing rise from an obscure forensic technology to one of the most powerful tools in the possession of our law enforcement community. DNA testing has given us the power to solve crimes that, in past years, we would have had no hope of solving. Sexual assaults, obviously, are particularly susceptible to investigation by DNA analysis.

Regrettably, the vast potential of DNA testing to identify the perpetrators of crimes has not, so far, been fully realized. As with every new technological development, there has been a lag between the development of the technology, and the establishment of the facilities to implement that technology.

Because forensic laboratories have not received needed equipment or trained technicians, there is evidence from literally thousands of crimes simply sitting in forensic laboratories around our country, and the crimes are waiting in line to be solved. Typically, an evidence sample must wait six months to a year before being tested.

Mr. Chairman, I want to thank you for holding this hearing today. Some of us in Congress, including you, have long recognized the continuing crisis in our country's forensic laboratories,

and have worked for years to increase funding for DNA testing. Finally, last Congress, we were able to pass the 'DNA Analysis Backlog Reduction Act of 2000.' That act authorized \$170 million over 4 years to help the states expand the capacity of their forensic laboratories to conduct DNA testing.

States are just beginning to reap the benefits of that legislation, as projects funded with the first round of grants are beginning to come on line. However, the forensic labs are, in many ways, a victim of their own success. DNA technology is so useful in solving crimes that, even with this increased funding, the labs find themselves falling further and further behind, as investigators seek to employ the technology in more and more cases.

It is important for us in Congress to continue to make the funding of DNA labs a high priority. Equally important, we must not add, unnecessarily, to the burden being placed on the labs. Legislation has been proposed that would open the door for thousands of convicted felons to receive DNA testing, at government expense, even when that testing has no reasonable probability of establishing the innocence of the convict. Such legislation would flood the courts with frivolous claims, and, just importantly, force our already overburdened forensic labs to take valuable time away from solving crimes.

Like everything else, laboratory time in our forensic labs is a scarce resource and we must be mindful to use this resource in ways that are most socially productive. While exonerating truly innocent convicts is extremely important, allowing DNA testing for all convicted felons, including those who are unquestionably guilty, should not be our priority.

Mr. Chairman, thank you once again for holding this hearing. I look forward to hearing from today's witnesses and to learning more about what else we can do to assist our nation's forensic labs.

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