



TO: House Judiciary Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: November 10, 2015
RE: House Bill 283

To Chairman Butler, Vice Chair Manning, Ranking Minority Member Stinziano, and members of the House Judiciary Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear to present opponent testimony on House Bill 283.

As you know, HB 283 would expand Ohio law regarding law enforcement's mandatory seizures of DNA to include, once again, new offenses. In this particular case, Ohio law would be expanded to include certain misdemeanor offenses. Those offenses are as follows:

- 1) Voyeurism
- 2) Public indecency
- 3) Enticement or solicitation to patronize a prostitute
- 4) Soliciting (for prostitution)
- 5) Loitering to engage in solicitation and
- 6) Prostitution

HB 283 mandates DNA collection only when there has been a conviction for a relevant offense. Many states, including Ohio, have passed related laws to seize our DNA upon mere arrest with no conviction required. However, that HB 283 requires a conviction first before Government intrudes into peoples' bodies and seizes their DNA is of small solace.

This is because HB 283 is the latest in a long and ever-growing line of criminal and non-criminal situations whereby Government demands our genetic information.

In the past, the ACLU has decried DNA seizure for felony convictions. As just mentioned, that list grew to include felony arrests. States are now moving to apply DNA seizures to certain misdemeanor convictions. Does anyone objectively doubt this is where the list ends? Government, in its seemingly unquenchable thirst for more and more information about our lives, our whereabouts, and our bodies will surely lengthen this list and do it sooner rather than later.

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If HB 283 passes, it will only be a matter of time before supporters are back with a bill to mandate this same practice but only upon arrest for these crimes. Next will be legislation to expand the number of misdemeanor offenses when DNA is collected, with or without conviction. Following that, a bill for all misdemeanor offenses. Once legislators have completed the goal of collecting DNA for every offense big or small, attention will focus on non-criminal situations to obtain our DNA.

Many will dismiss these slippery-slope concerns as unfounded or unnecessary. However, the ACLU has been making predictions regarding the expansion of DNA seizure for years and, unfortunately, we have yet to be proven wrong. Now here we are debating legislation to seize, by force if necessary, DNA from college students guilty of urinating in bar alleys.

A vote for HB 283 is, directly or indirectly, an invitation for law enforcement and Government to find new and inventive ways to capture, catalog and store our genetic information in perpetuity in the name of keeping us safe. That slope is slippery enough now. The ACLU of Ohio urges a "no" vote on House Bill 283.