

# OHIO PROSECUTING ATTORNEYS ASSOCIATION

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**HB-283; DNA Collection  
Proponent Testimony  
November 10, 2015  
House Judiciary Committee**

The Ohio Prosecuting Attorneys Association supports HB-283 that would require the collection of DNA samples from persons convicted of certain misdemeanor sex offenses.

Current law provides for DNA collection for felonies and only certain misdemeanors. This seems to derive from the mistaken idea that persons who commit minor offenses will only commit minor offenses in the future.

But persons who commit serious offenses often have other, oftentimes less serious offenses on their records. If DNA samples are collected following conviction for these lesser offenses, it improves the chances that the person will be apprehended more quickly if he commits future offenses, thus improving the chances that others can be spared being victimized by this offender.

HB-283 seeks to address this issue at least with respect to sex offenses. We believe the enactment of this bill will aid in the investigation of future sex offenses and will mean more expeditious apprehension of sex offenders.

A question has been raised concerning public urination in connection with the offense of public indecency. In order to be guilty of public indecency, the offender must act recklessly. An LSC note in connection with the enactment of this section states that “answering an urgent call of nature alfresco would not be an offense if the actor takes reasonable precautions against discovery...” So it appears unlikely that this offense will apply to a person who takes at least minimal precautions. But public indecency should remain in the bill to reach the proverbial “flasher,” who may be a minor league actor today, but could become a real threat tomorrow.

We support the bill and recommend its swift passage.

cc: Rep. Teresa Fedor