



Gibbons Capitol Report
September 7, 2006

Cold Cases Solved Using DNA

Today's morning headlines announced that a St. Louis man already serving time in prison for burglary is being charged for the rape and murder of a grandmother in 1994. Thanks to a DNA match from evidence from the scene, a murder that has been unsolved for 12 years finally has a chance for closure. Fortunately, technology and a state DNA testing program are leading to more and more cold cases being solved everyday.

DNA: Requiring Samples

In 2004, we passed a law requiring all convicted felons in Missouri to submit a DNA sample. Their DNA samples are collected and added to a database to help local, state and federal officials solve crimes, especially cold cases. Before, only violent and some sexual offenders had been required to submit DNA samples. The expansion of the program to all felons has helped solve more than 250 crimes, including rapes and murders.

Funding for Collecting DNA

It is an ongoing process to collect DNA samples of all felons in Missouri. More than 75,000 samples have been collected to date, with more than 60,000 remaining. That doesn't include approximately 30,000 new convicted felons a year. Collecting samples and performing the tests requires staff, time and money. Missouri has a dedicated fund based on court fees to pay for our DNA testing program. But until now, that fund's purpose had been split.

Prioritizing Payments

Besides paying for felon DNA testing, the DNA fund also paid to compensate anyone who was wrongly convicted and proved innocent through DNA. In 2003, Missouri adopted a compensation plan to pay those found actually innocent as a result of DNA the sum of \$50 per day for each day of wrongful imprisonment. But in the spring of 2005, a court ordered a payment of more than \$300,000 emptying the money in the DNA fund set aside for exonerations. To prevent the DNA fund from diminishing and to make sure any others found innocent would be compensated, I sponsored a new law that recently took effect that separates the two purposes and repays the wrongly accused in installments of \$36,500 a year.

Now, the DNA fund solely pays for DNA testing. The exoneration payments are a separate line item in the budget making them a priority, rather than an afterthought. As

evidence shows, our law enforcement and prosecutors have an excellent track record of getting the right person. But there have been four cases where DNA has proved someone innocent. Steve Toney was innocent. Now, after almost 14 years of being wrongfully imprisoned, plus five years of awaiting his compensation, he will be repaid for the loss of his liberty. At the same time, a steady stream of funding is dedicated to collecting DNA samples of all convicted felons, meaning more and more cold cases in Missouri, like the one we heard about today, will be solved.