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Testimony of Attorney General Tim Fox before the Senate Judiciary Committee

February 4, 2013

Mr. Chairman and members of the Senate Judiciary Committee, my name is Tim Fox, and I serve the people of Montana as their new Attorney General. It's my pleasure to stand before you today supporting Senate Bill 213, a piece of bipartisan legislation from my office. It is my hope that each of you will join with me in an effort to make our neighborhoods more safe for Montana families, especially children. I'd like to thank Senator Larsen for carrying this important bill on my behalf.

As I traveled across the state last year seeking the position I now hold, there was one consistent message I heard from voters – please do more to protect our kids and our most vulnerable citizens. There is no greater responsibility as Attorney General than ensuring Montana is a safe place for our children as they grow up, learn, and hopefully go on to stay here, work, and raise their own families. I take that responsibility very seriously.

The piece of legislation in front of you today deals with closing a loophole in current Montana law when it comes to convicted sex offenders – felons who often pose a continued risk to our society. As Senator Larsen explained, when a sexual or violent offender from another state is released from supervision, that offender is able to move to Montana and must register here as a sexual or violent offender. However, that offender does not have to provide a DNA sample to be entered into the Montana state DNA database. This gap in the law means that some unsolved cases may remain unsolved. To the Department of Justice's knowledge, Montana is one of only a few states in the nation that still does not have this requirement.

Let me give you one example of how the change I am proposing could bring a criminal to justice. The example comes from our small, rural sister state of Wyoming. In 1990, a woman sleeping with her young child in bed at home was assaulted and raped at knifepoint. A DNA profile of the perpetrator was developed from biological evidence from the crime. The perpetrator had been imprisoned in another state for an offense that, at the time, did not require a DNA sample be submitted for databasing. When he was released from prison he moved back to Wyoming where he was required to submit a DNA sample when he registered as a sexual offender. When that profile was entered into the database, the link between him and the rape was made, solving that crime and possibly preventing other crimes.

Mr. Chairman and members of the Committee, this common sense change not only gets Montana up to speed with the laws of most states, but it may lead law enforcement and prosecutors to criminals who should be in prison for unsolved crimes, and prevent them from committing future harm against our children or other members of society. I urge the committee to join with me in making Montana safer by passing SB 213. Thank you for your time and attention. I'd now like to introduce one of the Department of Justice's hard-working professionals from the State Crime Lab, Megan Ashton, who is our DNA Database Administrator. Ms. Ashton will tell you a little bit about how we use DNA information to solve and prevent crime.