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N.J. justices uphold state's DNA testing for felons

The New Jersey law that mandates DNA testing for felons is constitutional and can be used to solve crimes committed before the sample was taken, the state Supreme Court ruled yesterday. A pair of 6-0 decisions, in two similar cases, upheld the New Jersey DNA Database and Databank Act of 1994, which lower courts had affirmed. Similar laws are in place federally and in all other states.

The American Civil Liberties Union decried the rulings. It had lawyers representing Jamaal W. Allah, who pleaded guilty to drug charges in 2001, and a juvenile who pleaded guilty to the adult equivalent of aggravated assault in 2002.

"By ruling that we have no greater privacy interest in our DNA than we do in our fingerprints, the court has set the legal framework that could allow the government to require and obtain all New Jerseyans' DNA samples upon birth," said Deborah Jacobs, executive director for the ACLU of New Jersey.

The law, in addition to establishing a state database, requires that DNA information be forwarded to the FBI for its database, which is available nationally to law enforcement. An appeal to the U.S. Supreme Court was considered unlikely because the law has been upheld around the nation. - **AP**