

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4642

with committee amendments

# STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 2022

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4642 with committee amendments.

As amended by the committee, this bill limits the purposes for which genetic testing may be conducted on DNA samples taken from newborns and crime victims.

Current law generally requires the informed consent of a person, or person's representative, in order to obtain a person's genetic information. However, this informed consent requirement does not apply to the use of a person's DNA by a State, county, municipal or federal law enforcement agency for the purposes of establishing the identity of a person in the course of a criminal investigation or prosecution, or for the purposes of newborn screening. Recent reports indicate that DNA samples of newborns, crime victims, and witnesses have been used to convict a family member of the newborn, the crime victim or witness, or a member of the victim's or witness' family.

Under the bill, a DNA sample from a victim of or witness to a crime is only to be used to establish the identity of a person who is the subject of the criminal investigation or prosecution for which the sample was obtained. The provisions of the bill further provide that a DNA sample taken from a newborn may only be used for the purpose of detecting disorders or conditions for which newborn screening is explicitly authorized pursuant to the State's Newborn Screening Program in the Department of Health.

As amended by committee, the bill permits a person to obtain genetic information from an individual pursuant to a validly executed warrant or upon an order of a court of competent jurisdiction. Further, under the bill as amended by the committee, a person may disclose or be compelled to disclose the identity of an individual upon whom a genetic test has been performed pursuant to a validly executed warrant.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) permit a person to obtain genetic information from an individual pursuant to a validly executed warrant issued by a judge of

the Superior court or upon order of a court of competent jurisdiction;  
and

(2) permit a person to disclose or be compelled to disclose the identity of an individual upon whom a genetic test has been performed pursuant to a validly executed warrant.