

Ministry of the  
Attorney General

Ministère du  
Procureur général

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## **ONTARIO APPLAUDS SUPREME COURT DECISION ON RETROACTIVE DNA SAMPLES**

*No Need To Notify Offenders When Applying For Retroactive Samples*

TORONTO — The Attorney General of Ontario is pleased that the Supreme Court of Canada has ruled that convicted offenders do not need to be notified as a matter of course when applications for retroactive DNA samples are made.

“The highest Court agrees with our position in this matter,” said Attorney General Michael Bryant. “The constitutional validity of the section of the federal DNA data bank legislation dealing with retroactive offenders has been upheld, and this decision makes it easier to obtain retroactive DNA samples from offenders who should be in the data bank.”

The case of *R. v. Rodgers* dealt with the retroactive portion of the national DNA data bank law. This section applies to convicted sex offenders, multiple murderers and dangerous offenders who are currently serving penitentiary sentences but were convicted before Canada’s DNA legislation and the amendments contained in Bill C-13 were proclaimed. In its decision, the Supreme Court of Canada reversed the Ontario Court of Appeal ruling which held that an application hearing for a retroactive DNA sample must, as a matter of course, be held with all parties present.

“DNA technology is one of our most powerful crime-fighting tools,” said Bryant. “This decision means the most serious and violent offenders who were convicted and sentenced prior to the creation of the DNA Data Bank will no longer be able to challenge an order for a DNA sample on the basis that he or she was not notified in advance.”

Since its inception in 2000, the DNA Databank has been used in more than 4,975 police investigations across Canada, including more than 310 murder investigations and 710 sexual assault cases.

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