

## 馬里蘭州去氧核醣核酸採集法（DNA Collection Act）引發隱私爭議



2009年，馬里蘭州立法通過去氧核醣核酸（下稱DNA）採集法（DNA Collection Act），允許警方向已經被起訴但尚未定讞之犯罪嫌疑人採集DNA樣本，其適用對象主要在於暴力犯罪或一級竊盜案件。對此問題，美國大約有26州立有與馬里蘭州類似的法案，例如維吉尼亞州的執法單位對於暴力犯罪在經過逮捕後即可進行DNA採集。然而，該法案卻引發了隱私權利與公眾安全之平衡的爭論。

此次爭議爆發於Alonzo Jay King Jr. v. State of Maryland案，案件中Alonzo Jay King Jr.在2009年被起訴暴力攻擊，且因此被警方採集DNA，而後又在經過DNA比對之後，發現與2003年一宗強制性交案件所遺留下的DNA樣本符合，並據此判決Alonzo Jay King Jr.強制性交罪。本案經Alonzo Jay King Jr.上訴高等法院後，高等法院認為調查人員採集其基因資料並以之與舊案件進行比對，已經侵犯了美國憲法第四修正案所賦予人民的合理隱私期待，屬於不合法的搜索，並據此判決禁止向犯罪嫌疑人採集DNA樣本。本案目前正在最高法院上訴中，而最高法院首席法官John Roberts日前發布了一份命令，阻止了高等法院判決的生效，並使得馬里蘭州在最高法院作出判決之前仍然能夠採集DNA；全案預計將在10月進行聽證，未來，最高法院將如何判決，值得吾人注意。

### 相關連結

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5. Chief Justice: US Supreme Court likely to take Md. DNA case, fair prospect of reversal, The Washington Post, [http://www.washingtonpost.com/local/chief-justice-us-supreme-court-likely-to-take-md-dna-case-fair-prospect-of-reversal/2012/07/30/gJQA590GLX\\_story.html](http://www.washingtonpost.com/local/chief-justice-us-supreme-court-likely-to-take-md-dna-case-fair-prospect-of-reversal/2012/07/30/gJQA590GLX_story.html) (last visited Aug.7,2012)

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