



General Assembly

January Session, 2003

Committee Bill No. 5022

LCO No. 2895

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT REQUIRING THE COLLECTION OF DNA SAMPLES FROM PERSONS CONVICTED OF A FELONY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-102g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any person who is convicted of a criminal offense against a
4 victim who is a minor, a nonviolent sexual offense or a sexually violent
5 offense, as those terms are defined in section 54-250, or [of a felony
6 found by the sentencing court to have been committed for a sexual
7 purpose as provided in section 54-254] a felony, and is sentenced to the
8 custody of the Commissioner of Correction shall, at any time prior to
9 release from custody, [have a sample of such person's blood taken]
10 submit to the taking of a blood or other biological sample for DNA
11 (deoxyribonucleic acid) analysis to determine identification
12 characteristics specific to the person.

13 (b) Any person who is convicted of a criminal offense against a
14 victim who is a minor, a nonviolent sexual offense or a sexually violent
15 offense, as those terms are defined in section 54-250, or [of a felony

16 found by the sentencing court to have been committed for a sexual
17 purpose, as provided in section 54-254, who] a felony, and is not
18 sentenced to a term of confinement shall, as a condition of such
19 sentence, [have a sample of such person's blood taken] submit to the
20 taking of a blood or other biological sample for DNA
21 (deoxyribonucleic acid) analysis to determine identification
22 characteristics specific to the person.

23 (c) Any person who is found not guilty by reason of mental disease
24 or defect pursuant to section 53a-13 of a criminal offense against a
25 victim who is a minor, a nonviolent sexual offense or a sexually violent
26 offense, as those terms are defined in section 54-250, or [of a felony
27 found by the sentencing court to have been committed for a sexual
28 purpose, as provided in section 54-254] a felony, shall, at any time
29 prior to discharge from custody in accordance with subsection (e) of
30 section 17a-582, section 17a-588 or subsection (g) of section 17a-593,
31 [have a sample of such person's blood taken] submit to the taking of a
32 blood or other biological sample for DNA (deoxyribonucleic acid)
33 analysis to determine identification characteristics specific to the
34 person.

35 (d) Any person who has been convicted of a felony and is serving a
36 period of probation or parole, and who has not submitted to the taking
37 of a blood or other biological sample pursuant to subsection (a), (b) or
38 (c) of this section, shall, at any time prior to discharge from the custody
39 of the Court Support Services Division or the Board of Parole, submit
40 to the taking of a blood or other biological sample for DNA
41 (deoxyribonucleic acid) analysis to determine identification
42 characteristics specific to the person.

43 [(d)] (e) The analysis shall be performed by the Division of Scientific
44 Services within the Department of Public Safety. The identification
45 characteristics of the profile resulting from the DNA analysis shall be
46 stored and maintained by the division in a DNA data bank and shall
47 be made available only as provided in section 54-102j, as amended by

48 this act.

49 Sec. 2. Section 54-102h of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2003*):

51 (a) Each blood or other biological sample required pursuant to
52 section 54-102g, as amended by this act, from persons who are to be
53 incarcerated shall be [withdrawn] taken at the receiving unit or at such
54 other place as is designated by the Department of Correction. The
55 required samples from persons who are not sentenced to a term of
56 confinement shall be [withdrawn] taken at a time and place specified
57 by the sentencing court. The required samples from persons who are
58 serving periods of probation or parole shall be taken at a time and
59 place specified by the Court Support Services Division or the Board of
60 Parole, as the case may be. Only a person licensed to practice medicine
61 and surgery in this state, a qualified laboratory technician, a registered
62 nurse or a phlebotomist shall [withdraw] take any sample to be
63 submitted to analysis. No civil liability shall attach to any person
64 authorized to [withdraw blood] take a blood or other biological sample
65 as provided in this section as a result of the act of [withdrawing blood]
66 taking such sample from any person submitting thereto, if the blood or
67 other biological sample was [withdrawn] taken according to
68 recognized medical procedures, provided no person shall be relieved
69 from liability for negligence in the [withdrawing] taking of any [blood]
70 such sample.

71 (b) Chemically clean sterile disposable needles and vacuum draw
72 tubes shall be used for all blood samples. The tube or container for a
73 blood or other biological sample shall be sealed and labeled with the
74 subject's name, Social Security number, date of birth, race and gender,
75 the name of the person collecting the sample, and the date and place of
76 collection. The [tubes] tube or container shall be secured to prevent
77 tampering with the contents.

78 (c) The steps set forth in this section relating to the taking, handling,
79 identification and disposition of blood or other biological samples are

80 procedural and not substantive. Substantial compliance therewith shall
81 be deemed to be sufficient. The samples shall be transported to the
82 Division of Scientific Services within the Department of Public Safety
83 not more than fifteen days following [withdrawal] their collection and
84 shall be analyzed and stored in the DNA data bank in accordance with
85 sections 54-102i, as amended by this act, and 54-102j, as amended by
86 this act.

87 Sec. 3. Section 54-102i of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2003*):

89 (a) Whether or not the results of an analysis are to be included in the
90 data bank, the Division of Scientific Services within the Department of
91 Public Safety shall conduct the DNA analysis in accordance with
92 procedures adopted by the division to determine identification
93 characteristics specific to the individual whose blood or other
94 biological sample is being analyzed. Such procedures shall conform to
95 nationally recognized and accepted standards for DNA analysis. The
96 Commissioner of Public Safety or the commissioner's designee shall
97 complete and maintain on file a form indicating the name of the person
98 whose sample is to be analyzed, the date and by whom the [blood]
99 sample was received and examined, and a statement that the seal on
100 the tube or container had not been broken or otherwise tampered with.
101 The remainder of a [blood] sample submitted for analysis and
102 inclusion in the data bank pursuant to section 54-102g, as amended by
103 this act, may be divided, labeled as provided for the original sample,
104 and securely stored by the division in accordance with specific
105 procedures set forth in regulations adopted by the Department of
106 Public Safety in accordance with the provisions of chapter 54 to ensure
107 the integrity and confidentiality of the samples. All or part of the
108 remainder of that sample may be used only (1) to create a statistical
109 data base provided no identifying information on the individual
110 whose sample is being analyzed is included, or (2) for retesting by the
111 division to validate or update the original analysis.

112 (b) The division shall initiate a DNA testing process not later than
113 forty-five days after the receipt of a blood or other biological sample
114 that has been submitted for analysis. A report of the results of a DNA
115 analysis conducted by the division as authorized, including the profile
116 and identifying information, shall be made and maintained at the
117 division. A certificate and the results of the analysis shall be admissible
118 in any court as evidence of the facts therein stated. Except as
119 specifically provided in this section and section 54-102j, as amended by
120 this act, the results of the analysis shall be securely stored and shall
121 remain confidential.

122 Sec. 4. Section 54-102j of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective October 1, 2003*):

124 (a) It shall be the duty of the Division of Scientific Services within
125 the Department of Public Safety to receive blood or other biological
126 samples and to analyze, classify and file the results of DNA
127 identification characteristics profiles of blood or other biological
128 samples submitted pursuant to section 54-102g, as amended by this
129 act, and to make such information available as provided in this section.
130 The results of an analysis and comparison of the identification
131 characteristics from two or more blood or other biological samples
132 shall be made available directly to federal, state and local law
133 enforcement officers upon request made in furtherance of an official
134 investigation of any criminal offense. A request may be made by
135 personal contact, mail or electronic means. The name of the person
136 making the request and the purpose for which the information is
137 requested shall be maintained on file with the division.

138 (b) Upon the request of any person identified and charged with an
139 offense as the result of a search of information in the data bank, a copy
140 of the request for a search shall be furnished to such person so
141 identified and charged. Only when a sample or DNA profile supplied
142 by the person making the request satisfactorily matches a profile in the
143 data bank shall the existence of data in the data bank be confirmed or

144 identifying information from the data bank be disseminated.

145 (c) The Department of Public Safety shall adopt regulations in
146 accordance with the provisions of chapter 54 governing (1) the
147 methods of obtaining information from the data bank in accordance
148 with this section, and (2) procedures for verification of the identity and
149 authority of the person making the request. The department shall
150 specify the positions in that agency which require regular access to the
151 data bank and samples submitted as a necessary function of the job.

152 (d) The Division of Scientific Services shall create a separate
153 statistical data base comprised of DNA profiles of blood or other
154 biological samples of persons whose identity is unknown. Nothing in
155 this section or section 54-102k shall prohibit the Division of Scientific
156 Services from sharing or otherwise disseminating the information in
157 the statistical data base with law enforcement or criminal justice
158 agencies within or without the state.

159 (e) The Division of Scientific Services may charge a reasonable fee to
160 search and provide a comparative analysis of DNA profiles in the data
161 bank to any authorized law enforcement agency outside of the state.

This act shall take effect as follows:	
Section 1	October 1, 2003
Sec. 2	October 1, 2003
Sec. 3	October 1, 2003
Sec. 4	October 1, 2003

Statement of Purpose:

To increase the state's effectiveness in identifying criminal offenders, exonerating innocent persons and protecting the public by expanding the DNA data bank to include DNA samples from all convicted felons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. BERGER, 73rd Dist.; REP. FARR, 19th Dist.

REP. PETERS, 30th Dist.

H.B. 5022, 5251