



General Assembly

January Session, 2003

Amendment

LCO No. 7235

HB0502207235HD0

Offered by:

REP. BERGER, 73rd Dist.
REP. LAWLOR, 99th Dist.
REP. FARR, 19th Dist.
REP. PETERS, 30th Dist.
SEN. HARTLEY, 15th Dist.
REP. CONWAY, 75th Dist.
REP. MICHELE, 77th Dist.
REP. AMANN, 118th Dist.
REP. MAZUREK, 80th Dist.
REP. NOUJAIM, 74th Dist.
REP. FREY, 111th Dist.
REP. TONUCCI, 104th Dist.
REP. BERNHARD, 136th Dist.

REP. D'AMELIO, 71st Dist.
REP. MIKUTEL, 45th Dist.
REP. FERRARI, 62nd Dist.
REP. ROY, 119th Dist.
REP. STONE, 9th Dist.
REP. OREFICE, 37th Dist.
REP. BOUKUS, 22nd Dist.
REP. METZ, 101st Dist.
REP. GOOGINS, 31st Dist.
REP. BEAMON, 72nd Dist.
REP. WIDLITZ, 98th Dist.
REP. COLLINS, 117th Dist.

To: Subst. House Bill No. 5022

File No. 613

Cal. No. 417

**"AN ACT REQUIRING THE COLLECTION OF DNA SAMPLES
FROM PERSONS CONVICTED OF A CRIME."**

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- 1 In line 3, strike the opening bracket
 - 2 In line 5, before "or" insert an opening bracket
 - 3 In line 7, strike "crime, as defined in section 53a-" and insert in lieu
 - 4 thereof "a felony or a violation of section 53a-62, 53a-82, 53a-83, 53a-

5 83a, 53a-89, 53a-90a, 53a-106, 53a-108, 53a-109, 53a-181d, 53a-181e, 53a-
6 186, 53a-189a, 53a-222 or 53a-223b"

7 In line 8, strike "24"

8 In line 14, strike the opening bracket

9 In line 16, before "or" insert an opening bracket

10 In line 18, strike "crime, as defined in" and insert in lieu thereof "a
11 felony or a violation of section 53a-62, 53a-82, 53a-83, 53a-83a, 53a-89,
12 53a-90a, 53a-106, 53a-108, 53a-109, 53a-181d, 53a-181e, 53a-186, 53a-
13 189a, 53a-222 or 53a-223b"

14 In line 19, strike "section 53a-24"

15 In line 26, strike the opening bracket

16 In line 28, before "or" insert an opening bracket

17 In line 30, strike "crime, as defined in section" and insert in lieu
18 thereof "a felony or a violation of section 53a-62, 53a-82, 53a-83, 53a-
19 83a, 53a-89, 53a-90a, 53a-106, 53a-108, 53a-109, 53a-181d, 53a-181e, 53a-
20 186, 53a-189a, 53a-222 or 53a-223b"

21 In line 31, strike "53a-24"

22 In line 40, strike "crime, as defined in" and insert in lieu thereof
23 "felony or a violation of section 53a-62, 53a-82, 53a-83, 53a-83a, 53a-89,
24 53a-90a, 53a-106, 53a-108, 53a-109, 53a-181d, 53a-181e, 53a-186, 53a-
25 189a, 53a-222 or 53a-223b"

26 In line 41, strike "section 53a-24"

27 In line 123, before "The" insert an opening bracket

28 In line 124, strike "or other biological"

29 In line 125, after the period, insert a closing bracket

30 After line 148, insert the following:

31 "(b) Upon the request of a person from whom a blood or other
32 biological sample has been taken pursuant to sections 54-102g and 54-
33 102h, as amended by this act, a copy of such person's DNA profile
34 shall be furnished to such person."

35 In line 149, bracket "(b)" and after the closing bracket insert "(c)"

36 In line 156, bracket "(c)" and after the closing bracket insert "(d)"

37 In line 163, bracket "(d)" and after the closing bracket insert "(e)"

38 In line 170, bracket "(e)" and after the closing bracket insert "(f)"

39 After the last section, add the following and renumber sections and
40 internal references accordingly:

41 "Sec. 501. (NEW) (*Effective October 1, 2003*) (a) There is established a
42 DNA Data Bank Oversight Panel composed of the Chief State's
43 Attorney, the Attorney General, the Commissioner of Public Safety
44 and the Commissioner of Correction, or their designees. The Chief
45 State's Attorney shall serve as chairperson of the panel and shall
46 coordinate the agencies responsible for the implementation and
47 maintenance of the DNA data bank established pursuant to section 54-
48 102j of the general statutes, as amended by this act.

49 (b) The panel shall take such action as necessary to assure the
50 integrity of the data bank including the destruction of inappropriately
51 obtained samples and the purging of all records and identifiable
52 information pertaining to the persons from whom such
53 inappropriately obtained samples were collected.

54 (c) The panel shall meet on a quarterly basis and shall maintain
55 records of its meetings. Such records shall be retained by the
56 chairperson.

57 Sec. 502. (NEW) (*Effective October 1, 2003*) (a) For the purposes of this

58 section:

59 (1) "DNA testing" means forensic deoxyribonucleic acid testing; and

60 (2) "Agent" means a person, firm or corporation to whom the state
61 police or a local police department entrusts or delivers evidence to
62 undergo DNA testing.

63 (b) Upon the conviction of a person of a capital felony or the
64 conviction of a person of a crime after trial, or upon order of the court
65 for good cause shown, the state police, all local police departments,
66 any agent of the state police or a local police department and any other
67 person to whom biological evidence has been transferred shall
68 preserve all biological evidence acquired during the course of the
69 investigation of such crime for the term of such person's incarceration.

70 (c) The state police, a local police department, an agent or any
71 person to whom biological evidence has been transferred may be
72 relieved of the obligation to preserve biological evidence as provided
73 in subsection (b) of this section by applying to the court in which the
74 defendant's case was prosecuted for permission to destroy such
75 biological evidence. Upon receipt of the application, the court shall
76 give notice to all defendants charged in connection with the
77 prosecution and shall hold a hearing. After such hearing, the court
78 shall grant the application if it finds that the Connecticut Supreme
79 Court has decided the defendant's appeal and the defendant does not
80 seek further preservation of the biological evidence, or for good cause
81 shown.

82 Sec. 503. (NEW) (*Effective October 1, 2003*) (a) The Chief Court
83 Administrator shall establish an advisory commission to review any
84 criminal or juvenile case involving a wrongful conviction and
85 recommend reforms to lessen the likelihood of a similar wrongful
86 conviction occurring in the future. The advisory commission shall
87 consist of the Chief State's Attorney, the Chief Public Defender and the
88 Victim Advocate, or their designees, a representative from the
89 Connecticut Police Chiefs Association, a representative from the

90 Connecticut Bar Association, and representatives from one or more
91 law schools in this state and one or more institutions of higher
92 education in this state that offer undergraduate programs in criminal
93 justice and forensic science.

94 (b) Whenever a person who has been convicted of a crime is
95 subsequently determined to be innocent of such crime and exonerated,
96 the advisory commission may conduct an investigation to determine
97 the cause or causes of the wrongful conviction. Such investigation shall
98 include, but not be limited to, an examination of the nature and
99 circumstances of the crime, the background, character and history of
100 the defendant, and the manner in which the investigation, evidence
101 collection, prosecution, defense and trial of the case was conducted.
102 Notwithstanding any provision of the general statutes concerning the
103 confidentiality, erasure or destruction of records, the advisory
104 commission shall have access to all police and court records and
105 records of any prosecuting attorney pertaining to the case under
106 investigation. The advisory commission shall not further disclose such
107 records.

108 (c) Upon the conclusion of its investigation, the advisory
109 commission shall report its findings and any recommendations it may
110 have for reforms to lessen the likelihood of similar wrongful
111 convictions occurring in the future to the joint standing committee of
112 the General Assembly on the judiciary, in accordance with the
113 provisions of section 11-4a of the general statutes, and to other
114 interested persons as deemed appropriate including the Chief Court
115 Administrator, the Chief State's Attorney, the Chief Public Defender,
116 the Commissioner of Public Safety and the chief of any local police
117 department involved in the investigation of the case."