



General Assembly

January Session, 2007

**Raised Bill No. 7362**

LCO No. 5330

\*05330\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE DNA DATA BANK AND THE DNA DATA BANK OVERSIGHT PANEL.**

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 Section 54-102g of the general statutes is repealed and the  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, 2007*):

3 (a) Any person who has been convicted of a criminal offense against  
4 a victim who is a minor, a nonviolent sexual offense or a sexually  
5 violent offense, as those terms are defined in section 54-250, or a  
6 felony, and has been sentenced on that conviction to the custody of the  
7 Commissioner of Correction shall, prior to release from custody and at  
8 such time as the commissioner may specify, submit to the taking of a  
9 blood or other biological sample of sufficient quality for DNA  
10 (deoxyribonucleic acid) analysis to determine identification  
11 characteristics specific to the person. If any person required to submit  
12 to the taking of a blood or other biological sample pursuant to this  
13 subsection refuses to do so, the Commissioner of Correction or the  
14 commissioner's designee shall notify the Department of Public Safety  
15 within thirty days of such refusal for the initiation of criminal  
16 proceedings against such person.

17 (b) Any person who is convicted of a criminal offense against a  
18 victim who is a minor, a nonviolent sexual offense or a sexually violent  
19 offense, as those terms are defined in section 54-250, or a felony and is  
20 not sentenced to a term of confinement shall, as a condition of such  
21 sentence and at such time as the sentencing court may specify, submit  
22 to the taking of a blood or other biological sample of sufficient quality  
23 for DNA (deoxyribonucleic acid) analysis to determine identification  
24 characteristics specific to the person.

25 (c) Any person who has been found not guilty by reason of mental  
26 disease or defect pursuant to section 53a-13 of a criminal offense  
27 against a victim who is a minor, a nonviolent sexual offense or a  
28 sexually violent offense, as those terms are defined in section 54-250, or  
29 a felony, and is in custody as a result of that finding, shall, prior to  
30 discharge from custody in accordance with subsection (e) of section  
31 17a-582, section 17a-588 or subsection (g) of section 17a-593 and at such  
32 time as the Commissioner of Mental Health and Addiction Services or  
33 the Commissioner of Mental Retardation with whom such person has  
34 been placed may specify, submit to the taking of a blood or other  
35 biological sample of sufficient quality for DNA (deoxyribonucleic acid)  
36 analysis to determine identification characteristics specific to the  
37 person.

38 (d) Any person who has been convicted of a criminal offense against  
39 a victim who is a minor, a nonviolent sexual offense or a sexually  
40 violent offense, as those terms are defined in section 54-250, or a  
41 felony, and is serving a period of probation or parole, and who has not  
42 submitted to the taking of a blood or other biological sample pursuant  
43 to subsection (a), (b) or (c) of this section, shall, prior to discharge from  
44 the custody of the Court Support Services Division or the Department  
45 of Correction and at such time as said division or department may  
46 specify, submit to the taking of a blood or other biological sample of  
47 sufficient quality for DNA (deoxyribonucleic acid) analysis to  
48 determine identification characteristics specific to the person.

49 (e) Any person who has been convicted or found not guilty by  
50 reason of mental disease or defect in any other state or jurisdiction of a  
51 felony or of any crime, the essential elements of which are  
52 substantially the same as a criminal offense against a victim who is a  
53 minor, a nonviolent sexual offense or a sexually violent offense, as  
54 those terms are defined in section 54-250, and is in the custody of the  
55 Commissioner of Correction, is under the supervision of the Judicial  
56 Department or the Board of Pardons and Paroles or is under the  
57 jurisdiction of the Psychiatric Security Review Board, shall, prior to  
58 discharge from such custody, supervision or jurisdiction submit to the  
59 taking of a blood or other biological sample of sufficient quality for  
60 DNA (deoxyribonucleic acid) analysis to determine identification  
61 characteristics specific to the person.

62 (f) The analysis shall be performed by the Division of Scientific  
63 Services within the Department of Public Safety. The identification  
64 characteristics of the profile resulting from the DNA analysis shall be  
65 stored and maintained by the division in a DNA data bank and shall  
66 be made available only as provided in section 54-102j, as amended by  
67 this act.

68 (g) Any person who refuses to submit to the taking of a blood or  
69 other biological sample of sufficient quality to develop a DNA profile  
70 pursuant to this section or who submits to the taking of such a sample  
71 under an assumed name or identity shall be guilty of a class [A  
72 misdemeanor] D felony.

73 Sec. 2. Subsection (a) of section 54-102j of the general statutes is  
74 repealed and the following is substituted in lieu thereof (*Effective*  
75 *October 1, 2007*):

76 (a) It shall be the duty of the Division of Scientific Services within  
77 the Department of Public Safety to receive blood or other biological  
78 samples and to analyze, classify and file the results of DNA  
79 identification characteristics profiles of blood or other biological  
80 samples submitted pursuant to section 54-102g, as amended by this

81 act, and to make such information available as provided in this section.  
82 The results of an analysis and comparison of the identification  
83 characteristics from two or more blood or other biological samples and  
84 information concerning the existence of data in the data bank shall be  
85 made available directly to federal, state and local law enforcement  
86 officers upon request made in furtherance of an official investigation of  
87 any criminal offense. A request may be made by personal contact, mail  
88 or electronic means. The name of the person making the request and  
89 the purpose for which the information is requested shall be maintained  
90 on file with the division.

91 Sec. 3. Subsection (a) of section 54-102m of the general statutes is  
92 repealed and the following is substituted in lieu thereof (*Effective*  
93 *October 1, 2007*):

94 (a) There is established a DNA Data Bank Oversight Panel  
95 composed of the Chief State's Attorney, the Attorney General, the  
96 Commissioner of Public Safety, [and] the Commissioner of Correction  
97 and the Chief Court Administrator, or their designees. The Chief  
98 State's Attorney shall serve as chairperson of the panel and shall  
99 coordinate the agencies responsible for the implementation and  
100 maintenance of the DNA data bank established pursuant to section 54-  
101 102j, as amended by this act. The chairperson may invite  
102 representatives of other agencies involved in the collection of blood or  
103 other biological samples for DNA analysis to serve as ad hoc members  
104 of the panel.

105 Sec. 4. (NEW) (*Effective from passage*) Neither the state nor any officer  
106 or employee thereof shall be held civilly liable to any person for good  
107 faith conduct in carrying out the provisions of sections 54-102g to 54-  
108 102m, inclusive, of the general statutes, as amended by this act.

109 Sec. 5. (NEW) (*Effective from passage*) The detention, arrest or  
110 conviction of a person based upon a comparative analysis of a DNA  
111 profile in the data bank or information contained in the data bank is  
112 not invalidated if it is determined that the DNA sample was obtained

113 or the DNA profile was included in the data bank in good faith.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	54-102g
Sec. 2	<i>October 1, 2007</i>	54-102j(a)
Sec. 3	<i>October 1, 2007</i>	54-102m(a)
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section

**Statement of Purpose:**

To require that when a DNA sample is provided that it be of sufficient quality for analysis, require information concerning the existence of data in the DNA data bank be disclosed to law enforcement officers upon request, increase the penalty for refusing to submit to the taking of a DNA sample, authorize the chairperson of the DNA Data Bank Oversight Panel to add ad hoc members to the panel, provide immunity for good faith conduct in obtaining, analyzing and matching DNA samples and not invalidate detentions, arrests or convictions if the DNA sample was obtained in good faith.

*[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.]*