



General Assembly

Substitute Bill No. 838

January Session, 2007

* SB00838JUD 041107 *

AN ACT REQUIRING DNA TESTING OF CERTAIN ARRESTED PERSONS.

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 Section 54-102g of the general statutes is repealed and the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 is arrested on or after the effective date of this
4 section for the commission of a class A or B felony shall, prior to
5 release from custody and at such time as the law enforcement agency
6 that arrested such person may specify, submit to the taking of a blood
7 or other biological sample for DNA (deoxyribonucleic acid) analysis to
8 determine identification characteristics specific to the person.

9 ~~[(a)]~~ (b) Any person who has been convicted of a criminal offense
10 against a victim who is a minor, a nonviolent sexual offense or a
11 sexually violent offense, as those terms are defined in section 54-250, or
12 a felony, and has been sentenced on that conviction to the custody of
13 the Commissioner of Correction, and who has not submitted to the
14 taking of a blood or other biological sample pursuant to subsection (a)
15 of this section with respect to such offense, shall, prior to release from
16 custody and at such time as the commissioner may specify, submit to
17 the taking of a blood or other biological sample for DNA
18 (deoxyribonucleic acid) analysis to determine identification
19 characteristics specific to the person. If any person required to submit

20 to the taking of a blood or other biological sample pursuant to this
21 subsection refuses to do so, the Commissioner of Correction or the
22 commissioner's designee shall notify the Department of Public Safety
23 within thirty days of such refusal for the initiation of criminal
24 proceedings against such person.

25 [(b)] (c) Any person who is convicted of a criminal offense against a
26 victim who is a minor, a nonviolent sexual offense or a sexually violent
27 offense, as those terms are defined in section 54-250, or a felony and is
28 not sentenced to a term of confinement, and who has not submitted to
29 the taking of a blood or other biological sample pursuant to subsection
30 (a) of this section with respect to such offense, shall, as a condition of
31 such sentence and at such time as the sentencing court may specify,
32 submit to the taking of a blood or other biological sample for DNA
33 (deoxyribonucleic acid) analysis to determine identification
34 characteristics specific to the person.

35 [(c)] (d) Any person who has been found not guilty by reason of
36 mental disease or defect pursuant to section 53a-13 of a criminal
37 offense against a victim who is a minor, a nonviolent sexual offense or
38 a sexually violent offense, as those terms are defined in section 54-250,
39 or a felony [,] and is in custody as a result of that finding, and who has
40 not submitted to the taking of a blood or other biological sample
41 pursuant to subsection (a) of this section with respect to such offense,
42 shall, prior to discharge from custody in accordance with subsection
43 (e) of section 17a-582, section 17a-588 or subsection (g) of section
44 17a-593 and at such time as the Commissioner of Mental Health and
45 Addiction Services or the Commissioner of Mental Retardation with
46 whom such person has been placed may specify, submit to the taking
47 of a blood or other biological sample for DNA (deoxyribonucleic acid)
48 analysis to determine identification characteristics specific to the
49 person.

50 [(d)] (e) Any person who has been convicted of a criminal offense
51 against a victim who is a minor, a nonviolent sexual offense or a
52 sexually violent offense, as those terms are defined in section 54-250, or

53 a felony, and is serving a period of probation or parole, and who has
54 not submitted to the taking of a blood or other biological sample
55 pursuant to subsection (a), (b), [or] (c) or (d) of this section, shall, prior
56 to discharge from the custody of the Court Support Services Division
57 or the Department of Correction and at such time as said division or
58 department may specify, submit to the taking of a blood or other
59 biological sample for DNA (deoxyribonucleic acid) analysis to
60 determine identification characteristics specific to the person.

61 ~~[(e)]~~ (f) Any person who has been convicted or found not guilty by
62 reason of mental disease or defect in any other state or jurisdiction of a
63 felony or of any crime, the essential elements of which are
64 substantially the same as a criminal offense against a victim who is a
65 minor, a nonviolent sexual offense or a sexually violent offense, as
66 those terms are defined in section 54-250, and is in the custody of the
67 Commissioner of Correction, is under the supervision of the Judicial
68 Department or the Board of Pardons and Paroles or is under the
69 jurisdiction of the Psychiatric Security Review Board, and who has not
70 submitted to the taking of a blood or other biological sample pursuant
71 to subsection (a) of this section with respect to the offense that caused
72 such person to be in such custody or under such supervision or
73 jurisdiction, shall, prior to discharge from such custody, supervision or
74 jurisdiction submit to the taking of a blood or other biological sample
75 for DNA (deoxyribonucleic acid) analysis to determine identification
76 characteristics specific to the person.

77 ~~[(f)]~~ (g) The analysis shall be performed by the Division of Scientific
78 Services within the Department of Public Safety. The identification
79 characteristics of the profile resulting from the DNA analysis shall be
80 stored and maintained by the division in a DNA data bank and shall
81 be made available only as provided in section 54-102j.

82 ~~[(g)]~~ (h) Any person who refuses to submit to the taking of a blood
83 or other biological sample pursuant to this section shall be guilty of a
84 class A misdemeanor.

85 Sec. 2. Subsection (a) of section 54-102h of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective*
87 *October 1, 2007*):

88 (a) (1) The collection of a blood or other biological sample from
89 persons required to submit to the taking of such sample pursuant to
90 subsection (a) of section 54-102g, as amended by this act, shall be the
91 responsibility of the law enforcement agency that arrested such person
92 and shall be taken at a time and place specified by that agency prior to
93 such person's release from custody.

94 ~~[(a) (1)]~~ (2) The collection of a blood or other biological sample from
95 persons required to submit to the taking of such sample pursuant to
96 subsection ~~[(a)]~~ (b) of section 54-102g, as amended by this act, shall be
97 the responsibility of the Department of Correction and shall be taken at
98 a time and place specified by the Department of Correction.

99 ~~[(2)]~~ (3) The collection of a blood or other biological sample from
100 persons required to submit to the taking of such sample pursuant to
101 subsection ~~[(b)]~~ (c) of section 54-102g, as amended by this act, shall be
102 the responsibility of the Department of Public Safety and shall be taken
103 at a time and place specified by the sentencing court.

104 ~~[(3)]~~ (4) The collection of a blood or other biological sample from
105 persons required to submit to the taking of such sample pursuant to
106 subsection ~~[(c)]~~ (d) of section 54-102g, as amended by this act, shall be
107 the responsibility of the Commissioner of Mental Health and
108 Addiction Services or the Commissioner of Mental Retardation, as the
109 case may be, and shall be taken at a time and place specified by said
110 commissioner.

111 ~~[(4)]~~ (5) The collection of a blood or other biological sample from
112 persons required to submit to the taking of such sample pursuant to
113 subsection ~~[(d)]~~ (e) of section 54-102g, as amended by this act, shall be
114 the responsibility of the Judicial Department if such person is serving a
115 period of probation and of the Board of Pardons and Paroles if such

116 person is serving a period of parole and shall be taken at a time and
117 place specified by the Court Support Services Division or the Board of
118 Pardons and Paroles, as the case may be.

119 [(5)] (6) The collection of a blood or other biological sample from
120 persons required to submit to the taking of such sample pursuant to
121 subsection [(e)] (f) of section 54-102g, as amended by this act, shall be
122 the responsibility of the agency in whose custody or under whose
123 supervision such person has been placed, and shall be taken at a time
124 and place specified by such agency.

125 Sec. 3. Section 54-102l of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective October 1, 2007*):

127 (a) A [person whose] DNA profile that has been included in the data
128 bank pursuant to sections 54-102g to 54-102k, inclusive, as amended by
129 this act, [may request expungement on the grounds that] shall be
130 expunged in the event that (1) the criminal conviction or finding of not
131 guilty by reason of mental disease or defect on which the authority for
132 including [his] the DNA profile was based has been reversed and the
133 case dismissed, or (2) if the DNA profile of a person has been included
134 in the data bank on account of the person being arrested as provided in
135 subsection (a) of section 54-102g, as amended by this act, the charge
136 has been dismissed or nolleed or the person has been acquitted of the
137 charge.

138 (b) The State Police Forensic Science Laboratory shall purge all
139 records and identifiable information in the data bank pertaining to the
140 person and destroy all samples from the person upon receipt of [(1) a
141 written request for expungement pursuant to this section and (2)] a
142 certified copy of (1) the court order reversing and dismissing the
143 conviction or the finding of not guilty by reason of mental disease or
144 defect, or (2) the court order dismissing or nolling the charge or
145 acquitting the person of the charge, as the case may be.

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>	54-102h(a)
Sec. 3	<i>October 1, 2007</i>	54-102l

JUD *Joint Favorable Subst.*