



General Assembly

February Session, 2008

**Raised Bill No. 5160**

LCO No. 1420

\*01420\_\_\_\_\_PS\_\*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

***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 2008 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2008*):

4 (a) Any person who is arrested on or after October 1, 2008, for the  
5 commission of a class A or B felony shall, prior to release from custody  
6 and at such time as the law enforcement agency that arrested such  
7 person may specify, submit to the taking of a blood or other biological  
8 sample for DNA (deoxyribonucleic acid) analysis to determine  
9 identification characteristics specific to the person.

10 ~~[(a)]~~ (b) Any person who has been convicted of a criminal offense  
11 against a victim who is a minor, a nonviolent sexual offense or a  
12 sexually violent offense, as those terms are defined in section 54-250, or  
13 a felony, and has been sentenced on that conviction to the custody of  
14 the Commissioner of Correction, and who has not submitted to the  
15 taking of a blood or other biological sample pursuant to subsection (a)

16 of this section with respect to such offense, shall, prior to release from  
17 custody and at such time as the commissioner may specify, submit to  
18 the taking of a blood or other biological sample for DNA  
19 (deoxyribonucleic acid) analysis to determine identification  
20 characteristics specific to the person. If any person required to submit  
21 to the taking of a blood or other biological sample pursuant to this  
22 subsection refuses to do so, the Commissioner of Correction or the  
23 commissioner's designee shall notify the Department of Public Safety  
24 within thirty days of such refusal for the initiation of criminal  
25 proceedings against such person.

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

36 [(c)] (d) Any person who has been found not guilty by reason of  
37 mental disease or defect pursuant to section 53a-13 of a criminal  
38 offense against a victim who is a minor, a nonviolent sexual offense or  
39 a sexually violent offense, as those terms are defined in section 54-250,  
40 or a felony [,] and is in custody as a result of that finding, and who has  
41 not submitted to the taking of a blood or other biological sample  
42 pursuant to subsection (a) of this section with respect to such offense,  
43 shall, prior to discharge from custody in accordance with subsection  
44 (e) of section 17a-582 of the 2008 supplement to the general statutes,  
45 section 17a-588 of the 2008 supplement to the general statutes or  
46 subsection (g) of section 17a-593 of the 2008 supplement to the general  
47 statutes and at such time as the Commissioner of Mental Health and  
48 Addiction Services or the Commissioner of Developmental Services

49 with whom such person has been placed may specify, submit to the  
50 taking of a blood or other biological sample for DNA  
51 (deoxyribonucleic acid) analysis to determine identification  
52 characteristics specific to the person.

53 [(d)] (e) Any person who has been convicted of a criminal offense  
54 against a victim who is a minor, a nonviolent sexual offense or a  
55 sexually violent offense, as those terms are defined in section 54-250, or  
56 a felony, and is serving a period of probation or parole, and who has  
57 not submitted to the taking of a blood or other biological sample  
58 pursuant to subsection (a), (b), [or] (c) or (d) of this section, shall, prior  
59 to discharge from the custody of the Court Support Services Division  
60 or the Department of Correction and at such time as said division or  
61 department may specify, submit to the taking of a blood or other  
62 biological sample for DNA (deoxyribonucleic acid) analysis to  
63 determine identification characteristics specific to the person.

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

80 [(f)] (g) The analysis shall be performed by the Division of Scientific

81 Services within the Department of Public Safety. The identification  
82 characteristics of the profile resulting from the DNA analysis shall be  
83 stored and maintained by the division in a DNA data bank and shall  
84 be made available only as provided in section 54-102j.

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

88 Sec. 2. Subsection (a) of section 54-102h of the 2008 supplement to  
89 the general statutes is repealed and the following is substituted in lieu  
90 thereof (*Effective October 1, 2008*):

91 (a) (1) The collection of a blood or other biological sample from  
92 persons required to submit to the taking of such sample pursuant to  
93 subsection (a) of section 54-102g of the 2008 supplement to the general  
94 statutes, as amended by this act, shall be the responsibility of the law  
95 enforcement agency that arrested such person and shall be taken at a  
96 time and place specified by that agency prior to such person's release  
97 from custody.

98 ~~[(a)(1)]~~ (2) The collection of a blood or other biological sample from  
99 persons required to submit to the taking of such sample pursuant to  
100 subsection ~~[(a)]~~ (b) of section 54-102g of the 2008 supplement to the  
101 general statutes, as amended by this act, shall be the responsibility of  
102 the Department of Correction and shall be taken at a time and place  
103 specified by the Department of Correction.

104 ~~[(2)]~~ (3) 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 ~~[(b)]~~ (c) of section 54-102g of the 2008 supplement to the  
107 general statutes, as amended by this act, shall be the responsibility of  
108 the Department of Public Safety and shall be taken at a time and place  
109 specified by the sentencing court.

110 ~~[(3)]~~ (4) The collection of a blood or other biological sample from

111 persons required to submit to the taking of such sample pursuant to  
112 subsection [(c)] (d) of section 54-102g of the 2008 supplement to the  
113 general statutes, as amended by this act, shall be the responsibility of  
114 the Commissioner of Mental Health and Addiction Services or the  
115 Commissioner of Developmental Services, as the case may be, and  
116 shall be taken at a time and place specified by said commissioner.

117 [(4)] (5) The collection of a blood or other biological sample from  
118 persons required to submit to the taking of such sample pursuant to  
119 subsection [(d)] (e) of section 54-102g of the 2008 supplement to the  
120 general statutes, as amended by this act, shall be the responsibility of  
121 the Judicial Department if such person is serving a period of probation  
122 and of the Department of Correction if such person is serving a period  
123 of parole and shall be taken at a time and place specified by the Court  
124 Support Services Division or the Department of Correction, as the case  
125 may be.

126 [(5)] (6) The collection of a blood or other biological sample from  
127 persons required to submit to the taking of such sample pursuant to  
128 subsection [(e)] (f) of section 54-102g of the 2008 supplement to the  
129 general statutes, as amended by this act, shall be the responsibility of  
130 the agency in whose custody or under whose supervision such person  
131 has been placed, and shall be taken at a time and place specified by  
132 such agency.

133 Sec. 3. Section 54-102l of the general statutes is repealed and the  
134 following is substituted in lieu thereof (*Effective October 1, 2008*):

135 (a) A [person whose] DNA profile that has been included in the data  
136 bank pursuant to sections 54-102g to 54-102k, inclusive, [may request  
137 expungement on the grounds that] of the 2008 supplement to the  
138 general statutes, as amended by this act, shall be expunged in the event  
139 that (1) the criminal conviction or finding of not guilty by reason of  
140 mental disease or defect on which the authority for including [his] the  
141 DNA profile was based has been reversed and the case dismissed, or  
142 (2) if the DNA profile of a person has been included in the data bank

143 on account of the person being arrested as provided in subsection (a)  
144 of section 54-102g of the 2008 supplement to the general statutes, as  
145 amended by this act, and the charge has been dismissed or nolleed or  
146 the person has been acquitted of the charge.

147 (b) The State Police Forensic Science Laboratory shall purge all  
148 records and identifiable information in the data bank pertaining to the  
149 person and destroy all samples from the person upon receipt of [(1) a  
150 written request for expungement pursuant to this section and (2)] a  
151 certified copy of (1) the court order reversing and dismissing the  
152 conviction or the finding of not guilty by reason of mental disease or  
153 defect, or (2) the court order dismissing or nolling the charge or  
154 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, 2008</i>	54-102g
Sec. 2	<i>October 1, 2008</i>	54-102h(a)
Sec. 3	<i>October 1, 2008</i>	54-102l

**Statement of Purpose:**

To improve the accurate identification of serious criminal perpetrators by requiring a DNA sample be taken from persons arrested for a class A or B felony.

*[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.]*