



General Assembly

Substitute Bill No. 692

February Session, 2008

* SB00692PS 041608 *

AN ACT CONCERNING THE DNA TESTING OF CONVICTED 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2 statutes is repealed and the following is substituted in lieu thereof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 has been convicted of a criminal offense against
5 a victim who is a minor, a nonviolent sexual offense or a sexually
6 violent offense, as those terms are defined in section 54-250, or a
7 felony, and has been sentenced on that conviction to the custody of the
8 Commissioner of Correction shall, prior to release from custody and at
9 such time as the commissioner may specify, submit to the taking of a
10 blood or other biological sample for DNA (deoxyribonucleic acid)
11 analysis to determine identification characteristics specific to the
12 person. If any person required to submit to the taking of a blood or
13 other biological sample pursuant to this subsection refuses to do so,
14 the Commissioner of Correction or the commissioner's designee shall
15 notify the Department of Public Safety within thirty days of such
16 refusal for the initiation of criminal 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 for DNA
23 (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 of the 2008 supplement to the general statutes, section 17a-588
32 of the 2008 supplement to the general statutes or subsection (g) of
33 section 17a-593 of the 2008 supplement to the general statutes and at
34 such time as the Commissioner of Mental Health and Addiction
35 Services or the Commissioner of Developmental Services with whom
36 such person has been placed may specify, submit to the taking of a
37 blood or other biological sample for DNA (deoxyribonucleic acid)
38 analysis to determine identification characteristics specific to the
39 person.

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

51 (e) Any person who has been convicted or found not guilty by
52 reason of mental disease or defect in any other state or jurisdiction of a

53 felony or of any crime, the essential elements of which are
54 substantially the same as a criminal offense against a victim who is a
55 minor, a nonviolent sexual offense or a sexually violent offense, as
56 those terms are defined in section 54-250, and is in the custody of the
57 Commissioner of Correction, is under the supervision of the Judicial
58 Department or the Board of Pardons and Paroles or is under the
59 jurisdiction of the Psychiatric Security Review Board, shall, prior to
60 discharge from such custody, supervision or jurisdiction submit to the
61 taking of a blood or other biological sample for DNA
62 (deoxyribonucleic acid) analysis to determine identification
63 characteristics specific to the person.

64 (f) Notwithstanding the provisions of subsections (a) to (d),
65 inclusive, of this section, any person who is convicted or found not
66 guilty by reason of mental disease or defect pursuant to section 53a-13,
67 on or after the effective date of this section, of a criminal offense
68 against a minor, a nonviolent sexual offense or a sexually violent
69 offense, as those terms are defined in section 54-250, or a felony, shall,
70 prior to the time scheduled for such person to be sentenced or
71 committed for such offense, submit to the taking of a blood or other
72 biological sample for DNA (deoxyribonucleic acid) analysis to
73 determine identification characteristics specific to the person.

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

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

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

85 (a) (1) The collection of a blood or other biological sample from
86 persons required to submit to the taking of such sample pursuant to
87 subsection (a) of section 54-102g of the 2008 supplement to the general
88 statutes, as amended by this act, shall be the responsibility of the
89 Department of Correction and shall be taken at a time and place
90 specified by the Department of Correction.

91 (2) The collection of a blood or other biological sample from persons
92 required to submit to the taking of such sample pursuant to subsection
93 (b) of section 54-102g of the 2008 supplement to the general statutes, as
94 amended by this act, shall be the responsibility of the Department of
95 Public Safety and shall be taken at a time and place specified by the
96 sentencing court.

97 (3) The collection of a blood or other biological sample from persons
98 required to submit to the taking of such sample pursuant to subsection
99 (c) of section 54-102g of the 2008 supplement to the general statutes, as
100 amended by this act, shall be the responsibility of the Commissioner of
101 Mental Health and Addiction Services or the Commissioner of
102 Developmental Services, as the case may be, and shall be taken at a
103 time and place specified by said commissioner.

104 (4) The collection of a blood or other biological sample from persons
105 required to submit to the taking of such sample pursuant to subsection
106 (d) of section 54-102g of the 2008 supplement to the general statutes, as
107 amended by this act, shall be the responsibility of the Judicial
108 Department if such person is serving a period of probation and of the
109 Department of Correction if such person is serving a period of parole
110 and shall be taken at a time and place specified by the Court Support
111 Services Division or the Department of Correction, as the case may be.

112 (5) The collection of a blood or other biological sample from persons
113 required to submit to the taking of such sample pursuant to subsection
114 (e) of section 54-102g of the 2008 supplement to the general statutes, as
115 amended by this act, shall be the responsibility of the agency in whose
116 custody or under whose supervision such person has been placed, and

117 shall be taken at a time and place specified by such agency.

118 (6) The collection of a blood or other biological sample from persons
 119 required to submit to the taking of such sample pursuant to subsection
 120 (f) of section 54-102g, as amended by this act, shall be the responsibility
 121 of the Judicial Department and shall be taken at a time and place
 122 specified by the Court Support Services Division prior to the time
 123 scheduled for the sentencing or commitment of such persons.

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

126 A [person whose] DNA profile that has been included in the data
 127 bank pursuant to sections 54-102g to 54-102k, inclusive, [may request
 128 expungement on the grounds that] as amended by this act, shall be
 129 expunged in the event that the criminal conviction or finding of not
 130 guilty by reason of mental disease or defect on which the authority for
 131 including [his] the DNA profile was based has been reversed and the
 132 case dismissed. The State Police Forensic Science Laboratory shall
 133 purge all records and identifiable information in the data bank
 134 pertaining to the person and destroy all samples from the person upon
 135 receipt of [(1) a written request for expungement pursuant to this
 136 section and (2)] a certified copy of the court order reversing and
 137 dismissing the conviction or the finding of not guilty by reason of
 138 mental disease or defect.

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

JUD *Joint Favorable Subst.*

PS *Joint Favorable*