



General Assembly

January Session, 2009

Governor's Bill No. 6381

LCO No. 3051

03051_____

Referred to Committee on Judiciary

Introduced by:

REP. CAFERO, 142nd Dist.

SEN. MCKINNEY, 28th Dist.

AN ACT CONCERNING DNA COLLECTION FROM CERTAIN CONVICTED INDIVIDUALS.

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 Section 54-102g of the general statutes is repealed and the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 July 1, 2009*):

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 for DNA (deoxyribonucleic acid)
10 analysis to determine identification characteristics specific to the
11 person. If any person required to submit to the taking of a blood or
12 other biological sample pursuant to this subsection refuses to do so,
13 the Commissioner of Correction or the commissioner's designee shall
14 notify the Department of Public Safety within thirty days of such

15 refusal for the initiation of criminal proceedings against such person.

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

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

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

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

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

65 (g) Any person who refuses to submit to the taking of a blood or
66 other biological sample pursuant to this section shall be guilty of a
67 class [A misdemeanor] D felony.

68 (h) With respect to any person convicted under subsection (g) of this
69 section for refusing to submit to the taking of a blood or other
70 biological sample pursuant to this section, if such person is in the
71 custody of the Commissioner of Correction after such conviction, has
72 not submitted to the taking of a blood or other biological sample
73 pursuant to any applicable provision of this section, and continues to
74 refuse to submit to the taking of a blood or other biological sample, the
75 commissioner may use reasonable force to obtain the blood or other
76 biological sample required by this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2009	54-102g
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Statement of Purpose:

To implement the Governor's budget recommendations and ensure public safety and assist the Department of Public Safety and other law enforcement agencies in solving "cold cases" by allowing the Commissioner of Correction to use reasonable force to obtain a blood or other biological sample for DNA analysis from a person in the custody of the commissioner who refuses to comply with such requirement after being convicted for failure to supply such sample.

[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.]