



General Assembly

January Session, 2009

Raised Bill No. 6573

LCO No. 3975

03975 _____ JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

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 Section 54-102g of the general statutes is repealed and the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

3 (a) Any person who is arrested on or after the effective date of this
4 section for the commission of a felony shall, prior to release from
5 custody and at such time as the law enforcement agency that arrested
6 such person may specify, submit to the taking of a blood or other
7 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 Developmental Services
46 with whom such person has been placed may specify, submit to the
47 taking of a blood or other biological sample for DNA
48 (deoxyribonucleic acid) analysis to determine identification

49 characteristics specific to the 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, shall, prior to
70 discharge from such custody, supervision or jurisdiction submit to the
71 taking of a blood or other biological sample for DNA
72 (deoxyribonucleic acid) analysis to determine identification
73 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 general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective*
84 *October 1, 2009*):

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, as amended by this act, shall be the
88 responsibility of the law enforcement agency that arrested such person
89 and shall be taken at a time and place specified by that agency prior to
90 such person's release from custody.

91 ~~[(a) (1)]~~ (2) 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)] (b) of section 54-102g, as amended by this act, shall be
94 the responsibility of the Department of Correction and shall be taken at
95 a time and place specified by the Department of Correction.

96 ~~[(2)]~~ (3) The collection of a blood or other biological sample from
97 persons required to submit to the taking of such sample pursuant to
98 subsection [(b)] (c) of section 54-102g, as amended by this act, shall be
99 the responsibility of the Department of Public Safety and shall be taken
100 at a time and place specified by the sentencing court.

101 ~~[(3)]~~ (4) The collection of a blood or other biological sample from
102 persons required to submit to the taking of such sample pursuant to
103 subsection [(c)] (d) of section 54-102g, as amended by this act, shall be
104 the responsibility of the Commissioner of Mental Health and
105 Addiction Services or the Commissioner of Developmental Services, as
106 the case may be, and shall be taken at a time and place specified by
107 said commissioner.

108 ~~[(4)]~~ (5) The collection of a blood or other biological sample from
109 persons required to submit to the taking of such sample pursuant to
110 subsection [(d)] (e) of section 54-102g, as amended by this act, shall be

111 the responsibility of the Judicial Department if such person is serving a
112 period of probation and of the Department of Correction if such person
113 is serving a period of parole and shall be taken at a time and place
114 specified by the Court Support Services Division or the Department of
115 Correction, as the case may be.

116 ~~[(5)]~~ (6) The collection of a blood or other biological sample from
117 persons required to submit to the taking of such sample pursuant to
118 subsection ~~[(e)]~~ (f) of section 54-102g, ~~as amended by this act,~~ shall be
119 the responsibility of the agency in whose custody or under whose
120 supervision such person has been placed, and shall be taken at a time
121 and place specified by such agency.

122 Sec. 3. Section 54-102l of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

135 (b) The State Police Forensic Science Laboratory shall purge all
136 records and identifiable information in the data bank pertaining to the
137 person and destroy all samples from the person upon receipt of [(1) a
138 written request for expungement pursuant to this section and (2)] a
139 certified copy of (1) the court order reversing and dismissing the
140 conviction or the finding of not guilty by reason of mental disease or
141 defect, or (2) the court order dismissing or nolling the charge or
142 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, 2009</i>	54-102g
Sec. 2	<i>October 1, 2009</i>	54-102h(a)
Sec. 3	<i>October 1, 2009</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 the commission of a 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.]