



General Assembly

January Session, 2009

Committee Bill No. 542

LCO No. 3977

* SB00542JUD__040209__*

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE TAKING OF A DNA SAMPLE FROM CONVICTED 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 Section 54-102g of the general statutes is repealed and the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 has been convicted of [a criminal offense
4 against a victim who is a minor, a nonviolent sexual offense or a
5 sexually violent offense, as those terms are defined in section 54-250,
6 or] a felony or a class A or B misdemeanor, and has been sentenced on
7 that conviction to the custody of the Commissioner of Correction shall,
8 prior to release from custody and at such time as the commissioner
9 may specify, submit to the taking of a blood or other biological sample
10 for DNA (deoxyribonucleic acid) analysis to determine identification
11 characteristics specific to the person. If any person required to submit
12 to the taking of a blood or other biological sample pursuant to this
13 subsection refuses to do so, the Commissioner of Correction or the
14 commissioner's designee shall notify the Department of Public Safety
15 within thirty days of such refusal for the initiation of criminal
16 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 or a
20 class A or B misdemeanor and is not sentenced to a term of
21 confinement shall, as a condition of such sentence and at such time as
22 the sentencing court may specify, submit to the taking of a blood or
23 other biological sample for DNA (deoxyribonucleic acid) analysis to
24 determine identification 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,
29 or] a felony or a class A or B misdemeanor, and is in custody as a result
30 of that finding, shall, prior to discharge from custody in accordance
31 with subsection (e) of section 17a-582, section 17a-588 or subsection (g)
32 of section 17a-593 and at such time as the Commissioner of Mental
33 Health and Addiction Services or the Commissioner of Developmental
34 Services with whom such person has been placed may specify, submit
35 to the taking of a blood or other biological sample for DNA
36 (deoxyribonucleic acid) analysis to determine identification
37 characteristics specific to the person.

38 (d) Any person who has been convicted of [a criminal offense
39 against a victim who is a minor, a nonviolent sexual offense or a
40 sexually violent offense, as those terms are defined in section 54-250,
41 or] a felony or a class A or B misdemeanor, and is serving a period of
42 probation or parole, and who has not submitted to the taking of a
43 blood or other biological sample pursuant to subsection (a), (b) or (c) of
44 this section, shall, prior to discharge from the custody of the Court
45 Support Services Division or the Department of Correction and at such
46 time as said division or department 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 (e) Any person who has been convicted or found not guilty by
51 reason of mental disease or defect in any other state or jurisdiction of a
52 felony or of any crime, the essential elements of which are
53 substantially the same as a [criminal offense against a victim who is a
54 minor, a nonviolent sexual offense or a sexually violent offense, as
55 those terms are defined in section 54-250] crime in this state that is
56 classified as a class A or B misdemeanor, 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 felony or a class A or B
68 misdemeanor, shall, prior to the time scheduled for such person to be
69 sentenced or committed for such offense, submit to the taking of a
70 blood or other biological sample for DNA (deoxyribonucleic acid)
71 analysis to determine identification characteristics specific to the
72 person.

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

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

81 Sec. 2. Subsection (a) of section 54-102h of the general statutes is

82 repealed and the following is substituted in lieu thereof (*Effective*
83 *October 1, 2009*):

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

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

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

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

109 (5) The collection of a blood or other biological sample from persons
110 required to submit to the taking of such sample pursuant to subsection
111 (e) of section 54-102g, as amended by this act, shall be the
112 responsibility of the agency in whose custody or under whose

113 supervision such person has been placed, and shall be taken at a time
114 and place specified by such agency.

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

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

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

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

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| 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 |

JUD *Joint Favorable*