



General Assembly

Amendment

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LCO No. 3786

HB0525103786SD0

Offered by:

SEN. STILLMAN, 20th Dist.

SEN. MCDONALD, 27th Dist.

To: House Bill No. 5251

File No. 62

Cal. No. 299

**"AN ACT CONCERNING PAYMENT OF THE COSTS OF FORENSIC
SEXUAL ASSAULT EVIDENCE EXAMINATIONS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 54-102g of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2010*):

5 (a) Any person who has been convicted of a criminal offense against
6 a victim who is a minor, a nonviolent sexual offense or a sexually
7 violent offense, as those terms are defined in section 54-250, or a
8 felony, and has been sentenced on that conviction to the custody of the
9 Commissioner of Correction shall, prior to release from custody and at
10 such time as the commissioner may specify, submit to the taking of a
11 blood or other biological sample for DNA (deoxyribonucleic acid)
12 analysis to determine identification characteristics specific to the
13 person. If any person required to submit to the taking of a blood or
14 other biological sample pursuant to this subsection refuses or fails to

15 do so, the Commissioner of Correction or the commissioner's designee
16 shall notify the Department of Public Safety within thirty days of such
17 refusal or failure for the initiation of criminal proceedings against such
18 person.

19 (b) Any person who is convicted of a criminal offense against a
20 victim who is a minor, a nonviolent sexual offense or a sexually violent
21 offense, as those terms are defined in section 54-250, or a felony and is
22 not sentenced to a term of confinement shall, as a condition of such
23 sentence and at [such time as the sentencing court may specify] a time
24 and place specified by the Court Support Services Division of the
25 Judicial Department, submit to the taking of a blood or other biological
26 sample for DNA (deoxyribonucleic acid) analysis to determine
27 identification characteristics specific to the person.

28 (c) Any person who has been found not guilty by reason of mental
29 disease or defect pursuant to section 53a-13 of a criminal offense
30 against a victim who is a minor, a nonviolent sexual offense or a
31 sexually violent offense, as those terms are defined in section 54-250, or
32 a felony, and is in custody as a result of that finding, shall, prior to
33 discharge from custody in accordance with subsection (e) of section
34 17a-582, section 17a-588 or subsection (g) of section 17a-593 and at such
35 time as the Commissioner of Mental Health and Addiction Services or
36 the Commissioner of Developmental Services with whom such person
37 has been placed may specify, submit to the taking of a blood or other
38 biological sample for DNA (deoxyribonucleic acid) analysis to
39 determine identification characteristics specific to the 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) The analysis shall be performed by the Division of Scientific
65 Services within the Department of Public Safety. The identification
66 characteristics of the profile resulting from the DNA analysis shall be
67 stored and maintained by the division in a DNA data bank and shall
68 be made available only as provided in section 54-102j.

69 (g) Any person who refuses or fails to submit to the taking of a
70 blood or other biological sample pursuant to this section shall be guilty
71 of a class [A misdemeanor] D felony. Any person required to submit to
72 the taking of a blood or other biological sample pursuant to subsection
73 (b) of this section who refuses or fails to submit to the taking of such
74 sample within five business days of the time specified by the Court
75 Support Services Division may be rearrested pursuant to a warrant
76 issued under section 54-2a.

77 Sec. 502. Section 54-102h of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective October 1, 2010*):

79 (a) (1) The collection of a blood or other biological sample from

80 persons required to submit to the taking of such sample pursuant to
81 subsection (a) of section 54-102g, as amended by this act, shall be the
82 responsibility of the Department of Correction and shall be taken at a
83 time and place specified by the Department of Correction.

84 (2) The collection of a blood or other biological sample from persons
85 required to submit to the taking of such sample pursuant to subsection
86 (b) of section 54-102g, as amended by this act, shall be the
87 responsibility of the [Department of Public Safety] Judicial Department
88 and shall be taken at a time and place specified by the [sentencing
89 court] Court Support Services Division.

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

97 (4) 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 (d) of section 54-102g, as amended by this act, shall be the
100 responsibility of the Judicial Department if such person is serving a
101 period of probation and of the Department of Correction if such person
102 is serving a period of parole and shall be taken at a time and place
103 specified by the Court Support Services Division or the Department of
104 Correction, as the case may be.

105 (5) The collection of a blood or other biological sample from persons
106 required to submit to the taking of such sample pursuant to subsection
107 (e) of section 54-102g, as amended by this act, shall be the
108 responsibility of the agency in whose custody or under whose
109 supervision such person has been placed, and shall be taken at a time
110 and place specified by such agency.

111 (b) Only a person licensed to practice medicine and surgery in this

112 state, a qualified laboratory technician, a registered nurse or a
113 phlebotomist shall take any blood sample to be submitted to analysis.

114 (c) No civil liability shall attach to any person authorized to take a
115 blood or other biological sample as provided in this section as a result
116 of the act of taking such sample from any person submitting thereto, if
117 the blood or other biological sample was taken according to
118 recognized medical procedures, provided no person shall be relieved
119 from liability for negligence in the taking of any such sample.

120 (d) (1) Chemically clean sterile disposable needles and vacuum
121 draw tubes shall be used for all blood samples. The tube or container
122 for a blood or other biological sample shall be sealed and labeled with
123 the subject's name, Social Security number, date of birth, race and
124 gender, the name of the person collecting the sample, and the date and
125 place of collection. The tube or container shall be secured to prevent
126 tampering with the contents.

127 (2) Only collection kits approved by the Division of Scientific
128 Services within the Department of Public Safety may be used for the
129 collection of biological samples by buccal swabs.

130 (e) The steps set forth in this section relating to the taking, handling,
131 identification and disposition of blood or other biological samples are
132 procedural and not substantive. Substantial compliance therewith shall
133 be deemed to be sufficient. The samples shall be transported to the
134 Division of Scientific Services within the Department of Public Safety
135 not more than fifteen days following their collection and shall be
136 analyzed and stored in the DNA data bank in accordance with sections
137 54-102i and 54-102j.

138 Sec. 503. Section 54-102m of the general statutes is repealed and the
139 following is substituted in lieu thereof (*Effective October 1, 2010*):

140 (a) There is established a DNA Data Bank Oversight Panel
141 composed of the Chief State's Attorney, the Attorney General, the
142 Commissioner of Public Safety, [and] the Commissioner of Correction

143 and the executive director of the Court Support Services Division of
144 the Judicial Department, or their designees. The Chief State's Attorney
145 shall serve as chairperson of the panel and shall coordinate the
146 agencies responsible for the implementation and maintenance of the
147 DNA data bank established pursuant to section 54-102j.

148 (b) The panel shall take such action as necessary to assure the
149 integrity of the data bank including the destruction of inappropriately
150 obtained samples and the purging of all records and identifiable
151 information pertaining to the persons from whom such
152 inappropriately obtained samples were collected.

153 (c) The panel shall meet on a quarterly basis and shall maintain
154 records of its meetings. Such records shall be retained by the
155 chairperson. The meetings and records of the panel shall be subject to
156 the provisions of the Freedom of Information Act, as defined in section
157 1-200, except that discussions and records of personally identifiable
158 DNA information contained in the data bank shall be confidential and
159 not subject to disclosure pursuant to the Freedom of Information Act."