



**House Bill No. 6489**

**Public Act No. 11-207**

**AN ACT REQUIRING DNA TESTING OF PERSONS ARRESTED FOR THE COMMISSION OF A SERIOUS FELONY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 54-102g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) Whenever any person is arrested on or after the effective date of this section for the commission of a serious felony and, prior to such arrest, has been convicted of a felony but has not submitted to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis pursuant to this section, the law enforcement agency that arrested such person shall, as available resources allow, require such person to submit to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If the law enforcement agency requires such person to submit to the taking of such blood or other biological sample, such person shall submit to the taking of such sample prior to release from custody and at such time and place as the agency may specify. For purposes of this subsection, "serious felony" means a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-

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72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c.

[(a)] (b) Any person who has been convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony, and has been sentenced on that conviction to the custody of the Commissioner of Correction, and who has not submitted to the taking of a blood or other biological sample pursuant to subsection (a) of this section with respect to such offense, shall, prior to release from custody and at such time as the commissioner may specify, submit to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If any person required to submit to the taking of a blood or other biological sample pursuant to this subsection refuses to do so, the Commissioner of Correction or the commissioner's designee shall notify the Department of Public Safety within thirty days of such refusal for the initiation of criminal proceedings against such person.

[(b)] (c) Any person who is convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony and is not sentenced to a term of confinement, and who has not submitted to the taking of a blood or other biological sample pursuant to subsection (a) of this section with respect to such offense, shall, as a condition of such sentence and at a time and place specified by the Court Support Services Division of the Judicial Department, submit to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person.

[(c)] (d) Any person who has been found not guilty by reason of

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

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

[(e)] (f) Any person who has been convicted or found not guilty by reason of mental disease or defect in any other state or jurisdiction of a felony or of any crime, the essential elements of which are substantially the same as a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, and is in the custody of the

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Commissioner of Correction, is under the supervision of the Judicial Department or the Board of Pardons and Paroles or is under the jurisdiction of the Psychiatric Security Review Board, shall, prior to discharge from such custody, supervision or jurisdiction submit to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person.

[(f)] (g) The analysis shall be performed by the Division of Scientific Services within the Department of Public Safety, except that the division shall analyze samples taken pursuant to subsection (a) of this section only as available resources allow. The identification characteristics of the profile resulting from the DNA (deoxyribonucleic acid) analysis shall be stored and maintained by the division in a DNA data bank and shall be made available only as provided in section 54-102j, as amended by this act.

[(g)] (h) Any person who refuses to submit to the taking of a blood or other biological sample pursuant to this section shall be guilty of a class D felony. Any person required to submit to the taking of a blood or other biological sample pursuant to subsection [(b)] (c) of this section who refuses to submit to the taking of such sample within five business days of the time specified by the Court Support Services Division may be arrested pursuant to a warrant issued under section 54-2a.

Sec. 2. Subsection (a) of section 54-102h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) (1) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (a) of section 54-102g, as amended by this act, shall be the responsibility of the law enforcement agency that arrested such person

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and shall be taken at a time and place specified by that agency prior to such person's release from custody.

[(a)(1)] (2) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection [(a)] (b) of section 54-102g, as amended by this act, shall be the responsibility of the Department of Correction and shall be taken at a time and place specified by the Department of Correction.

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

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

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

[(5)] (6) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to

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subsection [(e)] (f) of section 54-102g, as amended by this act, shall be the responsibility of the agency in whose custody or under whose supervision such person has been placed, and shall be taken at a time and place specified by such agency.

Sec. 3. Section 54-102l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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

(b) The State Police Forensic Science Laboratory shall purge all records and identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt of [(1) a written request for expungement pursuant to this section, and (2)] a certified copy of (1) the court order reversing and dismissing the conviction or the finding of not guilty by reason of mental disease or defect, or (2) the court order dismissing or nolling the charge or acquitting the person of the charge.

Sec. 4. Subsection (a) of section 54-102j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) It shall be the duty of the Division of Scientific Services within

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the Department of Public Safety to receive blood or other biological samples and to analyze, classify and file the results of DNA identification characteristics profiles of blood or other biological samples submitted pursuant to section 54-102g, as amended by this act, and to make such information available as provided in this section, except that the division shall analyze samples taken pursuant to subsection (a) of section 54-102g, as amended by this act, only as available resources allow. The results of an analysis and comparison of the identification characteristics from two or more blood or other biological samples shall be made available directly to federal, state and local law enforcement officers upon request made in furtherance of an official investigation of any criminal offense. A request may be made by personal contact, mail or electronic means. The name of the person making the request and the purpose for which the information is requested shall be maintained on file with the division.

Approved July 13, 2011