



# House of Representatives

General Assembly

**File No. 232**

January Session, 2011

Substitute House Bill No. 5341

*House of Representatives, March 28, 2011*

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT REQUIRING THE COLLECTION OF DNA FROM PERSONS CONVICTED OF A SERIOUS FELONY.***

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 Section 54-102g of the general statutes is repealed and the  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, 2011*):

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 a time and place specified by the Court Support  
21 Services Division of the Judicial Department, submit to the taking of a  
22 blood or other biological sample for DNA [(deoxyribonucleic acid)]  
23 analysis to determine identification characteristics specific to the  
24 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, or  
29 a felony, and is in custody as a result of that finding, shall, prior to  
30 discharge from custody in accordance with subsection (e) of section  
31 17a-582, section 17a-588 or subsection (g) of section 17a-593 and at such  
32 time as the Commissioner of Mental Health and Addiction Services or  
33 the Commissioner of Developmental Services with whom such person  
34 has been placed may specify, submit to the taking of a blood or other  
35 biological sample for DNA [(deoxyribonucleic acid)] analysis to  
36 determine identification characteristics specific to the person.

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

47 characteristics specific to the person.

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

61 (f) Notwithstanding the provisions of subsections (a) to (d),  
62 inclusive, of this section, any person who is convicted, on or after the  
63 effective date of this section, of a serious felony offense, as such term is  
64 defined in section 54-82t, shall, prior to the time scheduled for such  
65 person to be sentenced, submit to the taking of a blood or other  
66 biological sample for DNA analysis to determine identification  
67 characteristics specific to the person.

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

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

80 54-2a.

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, 2011*):

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 Judicial Department and shall be taken at a time  
93 and place specified by the Court Support Services Division.

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 of such persons.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	54-102g
Sec. 2	October 1, 2011	54-102h(a)

**PS**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
Judicial Dept.	GF - Cost	121,400	161,900
Public Safety, Dept.	GF - Cost	91,200	121,500
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	GF - Cost	10,400	13,900

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill requires the Judicial Department's Court Support Services Division (CSSD) to take a DNA sample from any person convicted of a serious felony before being sentenced and will result in a cost of \$121,400 in FY 12<sup>2</sup> and \$161,900 in FY 13 to the Judicial Department. This estimate assumes the Judicial Department will collect an additional 1,260 DNA samples per year, at a rate of \$128.60 per sample.

It is anticipated that the bill would result in an annual cost of \$135,400 to the Division of Scientific Services under the Department of Public Safety. These expenses include one additional Forensic Science Examiner at a cost of \$54,300 (\$43,900 in salary plus \$10,400 in fringes) and \$47,300 in supplies in FY 12 and \$72,400 (\$58,500 in salary plus

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller on an actual cost basis. The following is provided for estimated costs associated with changes in personnel. The estimated non-pension fringe benefit rate as a percentage of payroll is 23.76%. Fringe benefit costs for new positions do not initially include pension costs as the state's pension contribution is based upon the 6/30/10 actuarial valuation for the State Employees Retirement System (SERS) which certifies the contribution for FY 12 and FY 13. Therefore, new positions will not impact the state's pension contribution until FY 14 after the next scheduled certification on 6/30/2012.

<sup>2</sup> FY 12 cost estimates reflect Oct. 1, 2011 effective date and ¾ year funding.

\$13,900 in fringes) and \$63,000 in supplies in FY 13 to analyze the estimated 1,260 samples taken under the bill.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5341*****AN ACT REQUIRING THE COLLECTION OF DNA FROM PERSONS CONVICTED OF A SERIOUS FELONY.*****SUMMARY:**

Under current law, a person found guilty of certain crimes or not guilty by reason of mental disease or defect must provide a DNA sample before being released from custody or supervision at a specified time after sentencing. The crimes are a (1) criminal offense against a minor, (2) nonviolent sexual offense, (3) sexually violent offense, or (4) felony.

This bill, instead, requires people convicted of a serious felony offense on or after October 1, 2011 to provide a DNA sample before being sentenced. A "serious felony offense" is a felony that involves the use, attempted use, or threatened use of physical force against another person or results in serious physical injury or death. As under current law, it is a class D felony, punishable by one to five years imprisonment, a fine of up to \$5,000, or both to refuse to provide a DNA sample.

The bill makes the Judicial Department's Court Support Services Division responsible for setting the time and place for providing the DNA sample and the Judicial Department responsible for taking the sample.

EFFECTIVE DATE: October 1, 2011

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/08/2011)