



General Assembly

January Session, 2011

Raised Bill No. 6489

LCO No. 3435

* HB06489JUD 040711 *

Referred to Committee on Judiciary

Introduced by:
(JUD)

**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:

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 Section 54-102g of the general statutes is repealed and the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 is arrested on or after the effective date of this
4 section for the commission of a serious felony shall, prior to release
5 from custody and at such time as the law enforcement agency that
6 arrested such person may specify, submit to the taking of a blood or
7 other biological sample for DNA (deoxyribonucleic acid) analysis to
8 determine identification characteristics specific to the person. For
9 purposes of this subsection, "serious felony" means a violation of
10 section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-
11 56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c,
12 53a-70, 53a-70a, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-
13 95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112,
14 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c.

15 [(a)] (b) Any person who has been convicted of a criminal offense

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

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

42 ~~[(c)]~~ (d) Any person who has been found not guilty by reason of
43 mental disease or defect pursuant to section 53a-13 of a criminal
44 offense against a victim who is a minor, a nonviolent sexual offense or
45 a sexually violent offense, as those terms are defined in section 54-250,
46 or a felony, and is in custody as a result of that finding, and who has
47 not submitted to the taking of a blood or other biological sample
48 pursuant to subsection (a) of this section with respect to such offense,

49 shall, prior to discharge from custody in accordance with subsection
50 (e) of section 17a-582, section 17a-588 or subsection (g) of section
51 17a-593 and at such time as the Commissioner of Mental Health and
52 Addiction Services or the Commissioner of Developmental Services
53 with whom such person has been placed may specify, submit to the
54 taking of a blood or other biological sample for DNA
55 (deoxyribonucleic acid) analysis to determine identification
56 characteristics specific to the person.

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

68 ~~[(e)]~~ (f) Any person who has been convicted or found not guilty by
69 reason of mental disease or defect in any other state or jurisdiction of a
70 felony or of any crime, the essential elements of which are
71 substantially the same as a criminal offense against a victim who is a
72 minor, a nonviolent sexual offense or a sexually violent offense, as
73 those terms are defined in section 54-250, and is in the custody of the
74 Commissioner of Correction, is under the supervision of the Judicial
75 Department or the Board of Pardons and Paroles or is under the
76 jurisdiction of the Psychiatric Security Review Board, shall, prior to
77 discharge from such custody, supervision or jurisdiction submit to the
78 taking of a blood or other biological sample for DNA
79 (deoxyribonucleic acid) analysis to determine identification
80 characteristics specific to the person.

81 ~~[(f)]~~ (g) The analysis shall be performed by the Division of Scientific

82 Services within the Department of Public Safety. The identification
83 characteristics of the profile resulting from the DNA (deoxyribonucleic
84 acid) analysis shall be stored and maintained by the division in a DNA
85 data bank and shall be made available only as provided in section 54-
86 102j.

87 ~~[(g)]~~ (h) Any person who refuses to submit to the taking of a blood
88 or other biological sample pursuant to this section shall be guilty of a
89 class D felony. Any person required to submit to the taking of a blood
90 or other biological sample pursuant to subsection ~~[(b)]~~ (c) of this
91 section who refuses to submit to the taking of such sample within five
92 business days of the time specified by the Court Support Services
93 Division may be arrested pursuant to a warrant issued under section
94 54-2a.

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

98 (a) (1) The collection of a blood or other biological sample from
99 persons required to submit to the taking of such sample pursuant to
100 subsection (a) of section 54-102g, as amended by this act, shall be the
101 responsibility of the law enforcement agency that arrested such person
102 and shall be taken at a time and place specified by that agency prior to
103 such person's release from custody.

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

109 ~~[(2)]~~ (3) The collection of a blood or other biological sample from
110 persons required to submit to the taking of such sample pursuant to
111 subsection ~~[(b)]~~ (c) of section 54-102g, as amended by this act, shall be
112 the responsibility of the Judicial Department and shall be taken at a

113 time and place specified by the Court Support Services Division.

114 [(3)] (4) The collection of a blood or other biological sample from
115 persons required to submit to the taking of such sample pursuant to
116 subsection [(c)] (d) of section 54-102g, as amended by this act, shall be
117 the responsibility of the Commissioner of Mental Health and
118 Addiction Services or the Commissioner of Developmental Services, as
119 the case may be, and shall be taken at a time and place specified by
120 said commissioner.

121 [(4)] (5) The collection of a blood or other biological sample from
122 persons required to submit to the taking of such sample pursuant to
123 subsection [(d)] (e) of section 54-102g, as amended by this act, shall be
124 the responsibility of the Judicial Department if such person is serving a
125 period of probation and of the Department of Correction if such person
126 is serving a period of parole and shall be taken at a time and place
127 specified by the Court Support Services Division or the Department of
128 Correction, as the case may be.

129 [(5)] (6) The collection of a blood or other biological sample from
130 persons required to submit to the taking of such sample pursuant to
131 subsection [(e)] (f) of section 54-102g, as amended by this act, shall be
132 the responsibility of the agency in whose custody or under whose
133 supervision such person has been placed, and shall be taken at a time
134 and place specified by such agency.

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

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

144 included in the data bank on account of the person being arrested as
145 provided in subsection (a) of section 54-102g, as amended by this act,
146 the charge has been dismissed or nolloed or the person has been
147 acquitted of the charge.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	54-102g
Sec. 2	<i>October 1, 2011</i>	54-102h(a)
Sec. 3	<i>October 1, 2011</i>	54-102l

JUD *Joint Favorable*