



General Assembly

January Session, 2011

**Raised Bill No. 6489**

LCO No. 3435

\* \_\_\_\_\_HB06489APP\_\_052411\_\_\_\_\_\*

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 Section 54-102g of the general statutes is repealed and the  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	October 1, 2011	54-102g
Sec. 2	October 1, 2011	54-102h(a)
Sec. 3	October 1, 2011	54-102l

**JUD**      *Joint Favorable*

**APP**      *Joint Favorable*