



General Assembly

January Session, 2011

**Raised Bill No. 6538**

LCO No. 4203

\*04203\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE COLLECTION OF BLOOD AND OTHER  
BIOLOGICAL SAMPLES FOR DNA ANALYSIS.**

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 Section 54-102g of the general statutes is repealed and the  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 of sufficient quality for DNA  
10 (deoxyribonucleic acid) analysis to determine identification  
11 characteristics specific to the person. If any person required to submit  
12 to the taking of a blood or other biological sample pursuant to this  
13 subsection refuses or fails to do so, the Commissioner of Correction or  
14 the commissioner's designee shall notify the Department of Public  
15 Safety within thirty days of such refusal or failure for the initiation of  
16 criminal proceedings against such person.

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

26 (c) Any person who has been found not guilty by reason of mental  
27 disease or defect pursuant to section 53a-13 of a criminal offense  
28 against a victim who is a minor, a nonviolent sexual offense or a  
29 sexually violent offense, as those terms are defined in section 54-250, or  
30 a felony, and is in the custody of the Commissioner of Mental Health  
31 and Addiction Services or the Commissioner of Developmental  
32 Services as a result of that finding, shall, prior to [discharge from  
33 custody in accordance with subsection (e) of section 17a-582, section  
34 17a-588 or subsection (g) of section 17a-593] a court hearing held in  
35 accordance with subsection (d) of section 17a-582, and at such time as  
36 the Commissioner of Mental Health and Addiction Services or the  
37 Commissioner of Developmental Services with whom such person has  
38 been placed may specify, submit to the taking of a blood or other  
39 biological sample of sufficient quality for DNA (deoxyribonucleic acid)  
40 analysis to determine identification characteristics specific to the  
41 person.

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

50 specify, submit to the taking of a blood or other biological sample of  
51 sufficient quality for DNA (deoxyribonucleic acid) analysis to  
52 determine identification characteristics specific to the person.

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

66 (f) If the blood or other biological sample taken from a person  
67 pursuant to this section is not of sufficient quality, the person shall  
68 submit to the taking of an additional sample or samples until a sample  
69 of sufficient quality is obtained.

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

76 ~~[(g)]~~ (h) Any person who refuses or fails to submit to the taking of a  
77 blood or other biological sample pursuant to this section shall be guilty  
78 of a class D felony. Any person required to submit to the taking of a  
79 blood or other biological sample pursuant to subsection (b) of this  
80 section who refuses to submit to the taking of such sample within five  
81 business days of the time specified by the Court Support Services

82 Division may be arrested pursuant to a warrant issued under section  
83 54-2a.

84 (i) If any person required to submit to the taking of a blood or other  
85 biological sample pursuant to any provision of this section is in the  
86 custody of the Commissioner of Correction and refuses to submit to  
87 the taking of such sample, the commissioner or the commissioner's  
88 designee may use reasonable force to obtain a blood or other biological  
89 sample from such person.

90 Sec. 2. Section 54-102j of the general statutes is repealed and the  
91 following is substituted in lieu thereof (*Effective October 1, 2011*):

92 (a) It shall be the duty of the Division of Scientific Services within  
93 the Department of Public Safety to receive blood or other biological  
94 samples and to analyze, classify and file the results of DNA  
95 identification characteristics profiles of blood or other biological  
96 samples submitted pursuant to section 54-102g, as amended by this  
97 act, and to make such information available as provided in this section.  
98 The results of an analysis and comparison of the identification  
99 characteristics from two or more blood or other biological samples  
100 shall be made available directly to federal, state and local law  
101 enforcement officers upon request made in furtherance of an official  
102 investigation of any criminal offense. Only when a sample or DNA  
103 profile supplied by the person making the request satisfactorily  
104 matches a profile in the data bank shall the existence of data in the data  
105 bank be confirmed or identifying information from the data bank be  
106 disseminated, except that if the results of an analysis and comparison  
107 does not reveal a match between the sample or samples supplied and a  
108 DNA profile contained in the data bank, the division may, upon  
109 request of the law enforcement officer, disseminate identifying  
110 information from the data bank concerning whether the DNA profile  
111 of any of the named suspects whose sample or samples were supplied  
112 is contained in the data bank. A request pursuant to this subsection  
113 may be made by personal contact, mail or electronic means. The name

114 of the person making the request and the purpose for which the  
115 information is requested shall be maintained on file with the division.

116 (b) Upon the request of a person from whom a blood or other  
117 biological sample has been taken pursuant to sections 54-102g, as  
118 amended by this act, and 54-102h, a copy of such person's DNA profile  
119 shall be furnished to such person.

120 (c) Upon the request of any person identified and charged with an  
121 offense as the result of a search of information in the data bank, a copy  
122 of the request for a search shall be furnished to such person so  
123 identified and charged. [Only when a sample or DNA profile supplied  
124 by the person making the request satisfactorily matches a profile in the  
125 data bank shall the existence of data in the data bank be confirmed or  
126 identifying information from the data bank be disseminated.]

127 (d) The Department of Public Safety shall adopt regulations, in  
128 accordance with the provisions of chapter 54, governing (1) the  
129 methods of obtaining information from the data bank in accordance  
130 with this section, and (2) procedures for verification of the identity and  
131 authority of the person making the request. The department shall  
132 specify the positions in that agency which require regular access to the  
133 data bank and samples submitted as a necessary function of the job.

134 (e) The Division of Scientific Services shall create a separate  
135 statistical data base comprised of DNA profiles of blood or other  
136 biological samples of persons whose identity is unknown. Nothing in  
137 this section or section 54-102k shall prohibit the Division of Scientific  
138 Services from sharing or otherwise disseminating the information in  
139 the statistical data base with law enforcement or criminal justice  
140 agencies within or without the state.

141 (f) The Division of Scientific Services may charge a reasonable fee to  
142 search and provide a comparative analysis of DNA profiles in the data  
143 bank to any authorized law enforcement agency outside of the state.

144       Sec. 3. (NEW) (*Effective October 1, 2011*) Neither the state nor any  
 145 officer or employee thereof shall be held civilly liable to any person for  
 146 good faith conduct in carrying out the provisions of sections 54-102g to  
 147 54-102m, inclusive, of the general statutes, as amended by this act.

148       Sec. 4. Subsection (b) of section 17a-582 of the general statutes is  
 149 repealed and the following is substituted in lieu thereof (*Effective*  
 150 *October 1, 2011*):

151       (b) Not later than sixty days after the order of commitment pursuant  
 152 to subsection (a) of this section, the superintendent of such hospital or  
 153 the Commissioner of Developmental Services shall cause the acquittee  
 154 to be examined and file a report of the examination with the court, and  
 155 shall send a copy thereof to the state's attorney and counsel for the  
 156 acquittee, setting forth the superintendent's or said commissioner's  
 157 findings and conclusions as to whether the acquittee is a person who  
 158 should be discharged. The report shall indicate whether the acquittee  
 159 submitted or refused to submit to the taking of a blood or other  
 160 biological sample pursuant to subsection (c) of section 54-102g, as  
 161 amended by this act.

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>	54-102j
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	17a-582(b)

**Statement of Purpose:**

To facilitate the collection of DNA samples from convicted felons and the use of information in the DNA data bank in criminal investigations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*