



General Assembly

January Session, 2011

**Substitute Bill No. 6538**

\*        HB06538JUD        040711        \*

**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 Section 54-102g of the general statutes is repealed and the  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  
35 commenced in accordance with subsection (d) of section 17a-582, and  
36 at such time as the Commissioner of Mental Health and Addiction  
37 Services or the Commissioner of Developmental Services with whom  
38 such person has been placed may specify, submit to the taking of a  
39 blood or other biological sample of sufficient quality for DNA  
40 (deoxyribonucleic acid) analysis to determine identification  
41 characteristics specific to the 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 for DNA  
68 (deoxyribonucleic acid) analysis to determine identification  
69 characteristics specific to the person, the person shall submit to the  
70 taking of an additional sample or samples until a sample of sufficient  
71 quality is obtained.

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

78 [(g)] (h) Any person who refuses or fails to submit to the taking of a  
79 blood or other biological sample pursuant to this section shall be guilty  
80 of a class D felony. Any person required to submit to the taking of a  
81 blood or other biological sample pursuant to subsection (b) of this  
82 section who refuses to submit to the taking of such sample within five  
83 business days of the time specified by the Court Support Services  
84 Division may be arrested pursuant to a warrant issued under section  
85 54-2a.

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

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 Section 54-102j of the general statutes is repealed and the  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

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

118 (b) Upon the request of a person from whom a blood or other

119 biological sample has been taken pursuant to sections 54-102g, as  
120 amended by this act, and 54-102h, a copy of such person's DNA profile  
121 shall be furnished to such person.

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

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

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

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

146 Sec. 3. (NEW) (*Effective October 1, 2011*) Neither the state nor any  
147 officer or employee thereof shall be held civilly liable to any person for  
148 good faith conduct in carrying out the provisions of sections 54-102g to  
149 54-102m, inclusive, of the general statutes, as amended by this act.

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

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

In section 1(c), "a court hearing held" was changed to "a court hearing commenced" for accuracy, and in section 1(f), "for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person" was added after "sufficient quality" for consistency with subsections (a) to (e), inclusive.

***JUD       Joint Favorable Subst.-LCO***