



General Assembly

**Amendment**

January Session, 2015

LCO No. 7484



Offered by:

REP. TONG, 147<sup>th</sup> Dist.  
SEN. COLEMAN, 2<sup>nd</sup> Dist.  
REP. HEWETT, 39<sup>th</sup> Dist.  
SEN. FASANO, 34<sup>th</sup> Dist.  
REP. REBIMBAS, 70<sup>th</sup> Dist.  
REP. MORRIS, 140<sup>th</sup> Dist.  
REP. BUTLER, 72<sup>nd</sup> Dist.  
REP. ADAMS, 146<sup>th</sup> Dist.  
REP. CUEVAS, 75<sup>th</sup> Dist.  
REP. VARGAS, 6<sup>th</sup> Dist.  
REP. MCGEE, 5<sup>th</sup> Dist.  
REP. SANTIAGO, 84<sup>th</sup> Dist.  
REP. SANTIAGO, 130<sup>th</sup> Dist.  
REP. ARCE, 4<sup>th</sup> Dist.  
REP. CANDELARIA, 95<sup>th</sup> Dist.  
REP. FRITZ, 90<sup>th</sup> Dist.  
REP. DARGAN, 115<sup>th</sup> Dist.  
REP. BERGER, 73<sup>rd</sup> Dist.

REP. ORANGE, 48<sup>th</sup> Dist.  
REP. ESPOSITO, 116<sup>th</sup> Dist.  
REP. VERRENGIA, 20<sup>th</sup> Dist.  
REP. SAYERS, 60<sup>th</sup> Dist.  
REP. COOK, 65<sup>th</sup> Dist.  
REP. SIMMONS, 144<sup>th</sup> Dist.  
REP. LUXENBERG, 12<sup>th</sup> Dist.  
REP. STALLWORTH, 126<sup>th</sup> Dist.  
REP. RITTER M., 1<sup>st</sup> Dist.  
REP. ROSARIO, 128<sup>th</sup> Dist.  
SEN. LARSON, 3<sup>rd</sup> Dist.  
REP. ROSE, 118<sup>th</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.  
REP. SHABAN, 135<sup>th</sup> Dist.  
REP. MUSHINSKY, 85<sup>th</sup> Dist.  
REP. HENNESSY, 127<sup>th</sup> Dist.  
SEN. WITKOS, 8<sup>th</sup> Dist.

To: Subst. House Bill No. 6923

File No. 680

Cal. No. 443

**"AN ACT CONCERNING SEXUAL ASSAULT."**

- 1 Strike everything after the enacting clause and substitute the
- 2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 54-102g of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2015, and applicable to arrangements on or after said date*):

6 (a) (1) Whenever any person is [arrested on or after October 1, 2011,  
7 for the commission of a serious felony] arraigned and the court finds  
8 there is probable cause to believe such person violated section 53a-55,  
9 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-95, 53a-111, 53a-112, 53a-  
10 134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c and,  
11 prior to such [arrest] arraignment, has been convicted of a felony but  
12 has not submitted to the taking of a blood or other biological sample  
13 for DNA (deoxyribonucleic acid) analysis pursuant to this section, the  
14 [law enforcement agency that arrested such person] Court Support  
15 Services Division shall, as available resources allow, require such  
16 person to submit to the taking of a blood or other biological sample for  
17 DNA (deoxyribonucleic acid) analysis to determine identification  
18 characteristics specific to the person.

19 (2) Whenever any person is arraigned and the court finds there is  
20 probable cause to believe such person violated subdivision (2) of  
21 subsection (a) of section 53-21, or section 53a-54a, 53a-54b, 53a-54c,  
22 53a-54d, 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b,  
23 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-  
24 73a, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-100aa, 53a-101, 53a-102, 53a-  
25 102a, 53a-103 or 53a-103a and, prior to such arraignment, has not  
26 submitted to the taking of a blood or other biological sample for DNA  
27 (deoxyribonucleic acid) analysis pursuant to this section, the Court  
28 Support Services Division shall, as available resources allow, require  
29 such person to submit to the taking of a blood or other biological  
30 sample for DNA (deoxyribonucleic acid) analysis to determine  
31 identification characteristics specific to the person.

32 (3) If the [law enforcement agency] Court Support Services Division  
33 requires such person to submit to the taking of such blood or other  
34 biological sample, such person shall submit to the taking of such  
35 sample [prior to release from custody and] at such time and place as

36 the agency may specify. [For purposes of this subsection, "serious  
37 felony" means a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d,  
38 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-  
39 60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-72b, 53a-92,  
40 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a,  
41 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-  
42 179b, 53a-179c or 53a-181c.]

43 Sec. 2. Subdivision (1) of subsection (a) of section 54-102h of the  
44 general statutes is repealed and the following is substituted in lieu  
45 thereof (*Effective October 1, 2015*):

46 (a) (1) The collection of a blood or other biological sample from  
47 persons required to submit to the taking of such sample pursuant to  
48 subsection (a) of section 54-102g, as amended by this act, shall be the  
49 responsibility of the [law enforcement agency that arrested such  
50 person] Judicial Department and shall be taken at a time and place  
51 specified by [that agency prior to such person's release from custody]  
52 the Court Support Services Division.

53 Sec. 3. Section 54-102l of the general statutes is repealed and the  
54 following is substituted in lieu thereof (*Effective October 1, 2015*):

55 (a) A DNA profile that has been included in the data bank pursuant  
56 to sections 54-102g to 54-102k, inclusive, as amended by this act, shall  
57 be expunged in the event that (1) the [criminal] conviction or the  
58 finding of not guilty by reason of mental disease or defect on which the  
59 authority for including the person's DNA profile was based has been  
60 reversed and the case dismissed or such person has been granted an  
61 absolute pardon for such conviction, or (2) if the DNA profile of a  
62 person has been included in the data bank on account of the person  
63 being [arrested as provided in] arraigned and a court's finding of  
64 probable cause in accordance with subsection (a) of section 54-102g, as  
65 amended by this act, the charge has been dismissed or nolle or the  
66 person has been acquitted of the charge.

67 (b) The Division of Scientific Services within the Department of  
 68 Emergency Services and Public Protection shall immediately purge all  
 69 records and identifiable information in the data bank pertaining to the  
 70 person and destroy all samples from the person upon receipt of a  
 71 certified copy of (1) the court order reversing and dismissing the  
 72 conviction or the finding of not guilty by reason of mental disease or  
 73 defect or notification of an absolute pardon for such conviction, or (2)  
 74 the court order dismissing or nolling the charge or acquitting the  
 75 person of the charge."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015, and applicable to arrangements on or after said date</i>	54-102g(a)
Sec. 2	<i>October 1, 2015</i>	54-102h(a)(1)
Sec. 3	<i>October 1, 2015</i>	54-102l