



General Assembly

Amendment

January Session, 2015

LCO No. 7760



Offered by:

REP. TONG, 147 th Dist.	REP. HENNESSY, 127 th Dist.
SEN. COLEMAN, 2 nd Dist.	SEN. WITKOS, 8 th Dist.
REP. HEWETT, 39 th Dist.	REP. KLARIDES, 114 th Dist.
SEN. FASANO, 34 th Dist.	REP. ABERCROMBIE, 83 rd Dist.
REP. REBIMBAS, 70 th Dist.	REP. ALBIS, 99 th Dist.
REP. MORRIS, 140 th Dist.	REP. ALEXANDER, 58 th Dist.
REP. BUTLER, 72 nd Dist.	REP. ALTOBELLO, 82 nd Dist.
REP. ADAMS, 146 th Dist.	REP. BAKER, 124 th Dist.
REP. CUEVAS, 75 th Dist.	SEN. DOYLE, 9 th Dist.
REP. VARGAS, 6 th Dist.	SEN. FORMICA, 20 th Dist.
REP. MCGEE, 5 th Dist.	REP. GENGA, 10 th Dist.
REP. SANTIAGO, 84 th Dist.	REP. GUERRERA, 29 th Dist.
REP. SANTIAGO, 130 th Dist.	REP. HAMPTON, 16 th Dist.
REP. ARCE, 4 th Dist.	REP. JOHNSON, 49 th Dist.
REP. CANDELARIA, 95 th Dist.	REP. JUTILA, 37 th Dist.
REP. FRITZ, 90 th Dist.	SEN. LARSON, 3 rd Dist.
REP. DARGAN, 115 th Dist.	REP. MCCARTHY VAHEY, 133 rd Dist.
REP. BERGER, 73 rd Dist.	REP. MEGNA, 97 th Dist.
REP. ORANGE, 48 th Dist.	REP. MILLER P., 145 th Dist.
REP. ESPOSITO, 116 th Dist.	REP. NICASTRO, 79 th Dist.
REP. VERRENGIA, 20 th Dist.	REP. REED, 102 nd Dist.
REP. SAYERS, 60 th Dist.	REP. RILEY, 46 th Dist.
REP. COOK, 65 th Dist.	REP. ROSE, 118 th Dist.
REP. SIMMONS, 144 th Dist.	REP. ROVERO, 51 st Dist.
REP. LUXENBERG, 12 th Dist.	REP. RYAN, 139 th Dist.
REP. STALLWORTH, 126 th Dist.	REP. SANCHEZ, 25 th Dist.
REP. RITTER M., 1 st Dist.	REP. SERRA, 33 rd Dist.
REP. ROSARIO, 128 th Dist.	REP. JANOWSKI, 56 th Dist.
REP. GENTILE, 104 th Dist.	REP. BECKER, 19 th Dist.
REP. SHABAN, 135 th Dist.	REP. BOUKUS, 22 nd Dist.

REP. MUSHINSKY, 85th 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4 repealed and the following is substituted in lieu thereof (*Effective*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 *January 1, 2016, 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 shall, as available
15 resources allow, require such person to submit] the prosecutor shall
16 request and the judge shall order that such person submit, as required
17 by the Court Support Services Division and as available resources
18 allow, to the taking of a blood or other biological sample for DNA
19 (deoxyribonucleic acid) analysis to determine identification
20 characteristics specific to the person. [If the law enforcement agency
21 requires such person to submit to the taking of such blood or other
22 biological sample, such] If such person is in the custody of the
23 Department of Correction, then such person shall submit, as required
24 by the Department of Correction and as available resources allow, to

25 the taking of a blood or other biological sample for DNA
26 (deoxyribonucleic acid) analysis to determine identification
27 characteristics specific to the person.

28 (2) Whenever any person is arraigned and the court finds there is
29 probable cause to believe such person violated subdivision (2) of
30 subsection (a) of section 53-21, or section 53a-54a, 53a-54b, 53a-54c,
31 53a-54d, 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b,
32 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-
33 73a, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-100aa, 53a-101, 53a-102, 53a-
34 102a, 53a-103 or 53a-103a and, prior to such arraignment, has not
35 submitted to the taking of a blood or other biological sample for DNA
36 (deoxyribonucleic acid) analysis pursuant to this section, the
37 prosecutor shall request and the judge shall order that such person
38 submit, as required by the Court Support Services Division and as
39 available resources allow, to the taking of a blood or other biological
40 sample for DNA (deoxyribonucleic acid) analysis to determine
41 identification characteristics specific to the person. If such person is in
42 the custody of the Department of Correction, then such person shall
43 submit, as required by the Department of Correction and as available
44 resources allow, to the taking of a blood or other biological sample for
45 DNA (deoxyribonucleic acid) analysis to determine identification
46 characteristics specific to the person.

47 (3) Such person shall submit to the taking of such sample [prior to
48 release from custody and] at such time and place as the [agency] Court
49 Support Services Division or the Department of Correction may
50 specify. [For purposes of this subsection, "serious felony" means a
51 violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a,
52 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-
53 60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94,
54 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-
55 111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or
56 53a-181c.]

57 Sec. 2. Subdivision (1) of subsection (a) of section 54-102h of the

58 general statutes is repealed and the following is substituted in lieu
59 thereof (*Effective January 1, 2016*):

60 (a) (1) The collection of a blood or other biological sample from
61 persons required to submit to the taking of such sample pursuant to
62 subsection (a) of section 54-102g, as amended by this act, shall be the
63 responsibility of the [law enforcement agency that arrested such
64 person] Judicial Department and shall be taken at a time and place
65 specified by [that agency prior to such person's release from custody]
66 the Court Support Services Division or, if such person is in the custody
67 of the Department of Correction, the Department of Correction shall be
68 responsible for the taking of such sample.

69 Sec. 3. Section 54-102l of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective January 1, 2016*):

71 (a) A DNA profile that has been included in the data bank pursuant
72 to sections 54-102g to 54-102k, inclusive, as amended by this act, shall
73 be expunged in the event that (1) the [criminal] conviction or the
74 finding of not guilty by reason of mental disease or defect on which the
75 authority for including the person's DNA profile was based has been
76 reversed and the case dismissed or such person has been granted an
77 absolute pardon for such conviction, or (2) if the DNA profile of a
78 person has been included in the data bank on account of the person
79 being [arrested as provided in] arraigned and a court's finding of
80 probable cause in accordance with subsection (a) of section 54-102g, as
81 amended by this act, the charge has been dismissed or nolle or the
82 person has been acquitted of the charge.

83 (b) The Division of Scientific Services within the Department of
84 Emergency Services and Public Protection shall immediately purge all
85 records and identifiable information in the data bank pertaining to the
86 person and destroy all samples from the person upon receipt of a
87 certified copy of (1) the court order reversing and dismissing the
88 conviction or the finding of not guilty by reason of mental disease or
89 defect or notification of an absolute pardon for such conviction, or (2)

90 the court order dismissing or nolling the charge or acquitting the
 91 person of the charge."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2016, and applicable to arrangements on or after said date</i>	54-102g(a)
Sec. 2	<i>January 1, 2016</i>	54-102h(a)(1)
Sec. 3	<i>January 1, 2016</i>	54-102!