



General Assembly

February Session, 2016

***Raised Bill No. 5474***

LCO No. 2181



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING DNA TESTING FOR PERSONS ARRAIGNED FOR A SERIOUS FELONY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 54-102g of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *January 1, 2017, and applicable to arraignments on or after said date*):

4 (a) (1) Whenever any person is [arrested on or after October 1, 2011,  
5 for the commission of] arraigned and the court finds there is probable  
6 cause to believe such person committed a serious felony, and, prior to  
7 such [arrest, has been convicted of a felony but] arraignment, has not  
8 submitted to the taking of a blood or other biological sample for DNA  
9 (deoxyribonucleic acid) analysis pursuant to this section, [the law  
10 enforcement agency that arrested such person shall, as available  
11 resources allow, require such person to submit] the prosecutorial  
12 official shall request and the judge shall order that such person submit,  
13 as required by the Court Support Services Division and as available  
14 resources allow, to the taking of a blood or other biological sample for  
15 DNA (deoxyribonucleic acid) analysis to determine identification

16 characteristics specific to the person. [If the law enforcement agency  
17 requires such person to submit to the taking of such blood or other  
18 biological sample, such] If such person is in the custody of the  
19 Department of Correction, such person shall submit, as required by the  
20 Department of Correction and as available resources allow, to the  
21 taking of a blood or other biological sample for DNA  
22 (deoxyribonucleic acid) analysis to determine identification  
23 characteristics specific to the person.

24 (2) Such person shall submit to the taking of such sample [prior to  
25 release from custody and] at such time and place as the [agency] Court  
26 Support Services Division or the Department of Correction may  
27 specify. For purposes of this subsection, "serious felony" means a  
28 violation of subdivision (2) of subsection (a) of section 53-21, section  
29 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a,  
30 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-  
31 60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b,  
32 53a-73a, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101,  
33 53a-102, 53a-102a, 53a-103, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135,  
34 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c.

35 Sec. 2. Subdivision (1) of subsection (a) of section 54-102h of the  
36 general statutes is repealed and the following is substituted in lieu  
37 thereof (*Effective January 1, 2017*):

38 (a) (1) The collection of a blood or other biological sample from  
39 persons required to submit to the taking of such sample pursuant to  
40 subsection (a) of section 54-102g, as amended by this act, shall be the  
41 responsibility of the [law enforcement agency that arrested such  
42 person] Judicial Department and shall be taken at a time and place  
43 specified by [that agency prior to such person's release from custody]  
44 the Court Support Services Division or, if such person is in the custody  
45 of the Department of Correction, the Department of Correction shall be  
46 responsible for the taking of such sample.

47 Sec. 3. Section 54-102l of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective January 1, 2017*):

49 (a) A DNA profile that has been included in the data bank pursuant  
50 to sections 54-102g to 54-102k, inclusive, as amended by this act, shall  
51 be expunged in the event that (1) the [criminal] conviction or the  
52 finding of not guilty by reason of mental disease or defect on which the  
53 authority for including the person's DNA profile was based has been  
54 reversed and the case dismissed or such person has been granted an  
55 absolute pardon for such conviction, or (2) if the DNA profile of a  
56 person has been included in the data bank on account of the person  
57 being (A) arrested as provided in subsection (a) of section 54-102g of  
58 the general statutes, revised to January 1, 2015, or (B) arraigned and a  
59 court's finding of probable cause in accordance with subsection (a) of  
60 section 54-102g, as amended by this act, the charge has been dismissed  
61 or nolleed or the person has been acquitted of the charge.

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

71 (c) Any person whose records and identifiable information in the  
72 data bank are required to be expunged and samples from such person  
73 are required to be destroyed in accordance with the provisions of this  
74 section may request confirmation of such expungement and  
75 destruction of samples from the Division of Scientific Services within  
76 the Department of Emergency Services and Public Protection. The  
77 division shall confirm such expungement and destruction of samples  
78 not later than thirty days after receipt of such request. If such person's

79 records and identifiable information and all samples from such person  
 80 have not been expunged or destroyed and the division is in possession  
 81 of a certified copy of the documentation described in subdivision (1) or  
 82 (2) of subsection (b) of this section, the division shall immediately  
 83 expunge such records and information and destroy such samples and  
 84 shall send confirmation to such person. If the division has not received  
 85 a certified copy of such documentation required by this section in  
 86 order to expunge such records and information and to destroy such  
 87 samples, the division shall instruct such person to obtain such copy  
 88 and to submit the copy to the division. If the division receives such  
 89 copy, the division shall immediately expunge such records and  
 90 information and destroy such samples and shall send confirmation to  
 91 such person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017, and applicable to arraignments on or after said date</i>	54-102g(a)
Sec. 2	<i>January 1, 2017</i>	54-102h(a)(1)
Sec. 3	<i>January 1, 2017</i>	54-102l

**Statement of Purpose:**

To require DNA to be taken from a person after arraignment and a finding of probable cause for an expanded list of crimes, to provide that the Judicial Branch take the sample, unless such person is in Department of Correction custody, in which case the Department of Correction shall take such sample, to expand the circumstances under which a DNA profile must be expunged and related samples destroyed to include the case where an absolute pardon is granted, to provide that any expungement of records or destruction of samples occur immediately upon receipt of a relevant court order and to create a process that permits a person to request confirmation of the expungement or destruction.

*[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.]*