

HB 1422 -- DNA Profiling Analysis

Sponsor: Marshall

This bill changes the laws regarding DNA profiling analysis. In its main provisions, the bill:

(1) Changes when a surcharge is assessed for deposit into the DNA Profiling Analysis Fund to include all criminal cases, except traffic violations, in which the defendant pleads guilty, is found guilty, or is convicted. Currently, it is assessed in all criminal cases, except traffic violations, in which the defendant pleads guilty or nolo contendere to or is convicted of a felony;

(2) Removes the provision requiring the moneys collected by the surcharge to be deposited into the General Revenue Fund if the state's general revenue did not increase by 2% or more and removes the expiration date of August 28, 2013, regarding the assessment of the surcharge;

(3) Specifies that the moneys deposited into the DNA Profiling Analysis Fund are to be used by the State Highway Patrol Crime Laboratory for the purposes of the DNA Profiling System;

(4) Specifies that when the state accepts a person from another state under any interstate compact, other reciprocal agreement, or law, the acceptance is conditional on the person providing a DNA sample if the person was convicted of, found guilty of, or pleaded guilty to a felony offense. Currently, the acceptance is conditional on the person providing a DNA sample if the person was convicted of, pled guilty to, or pled nolo contendere to an offense in any other jurisdiction which would be considered a qualifying offense if committed in this state;

(5) Requires any person subject to DNA collection and profiling analysis to provide a DNA sample at the time of registering as a sexual offender;

(6) Specifies that when a DNA sample is taken of an arrestee for any offense under Section 650.055.1 and the warrant is refused, the arresting agency must notify the crime laboratory within 90 days of warrant refusal and the crime laboratory must expunge from the database all DNA records and destroy the DNA sample taken at the arrest for which the warrant was refused, unless the crime laboratory determines that the person is otherwise obligated to submit a DNA sample for any other qualifying offense or arrest that would require a sample to be taken and retained; and

(7) Defines "expungement" as the destruction of an individual's

DNA sample and the removal of the DNA record from the state DNA database.