

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 674
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30314-NDa-3A

Short Title: Require DNA for Various Charges/DNA Kit Funds. (Public)

Sponsors: Representative Richardson.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT A DNA SAMPLE BE OBTAINED FROM ANY PERSON
3 WHO IS ARRESTED FOR COMMITTING VARIOUS ASSAULT AND DOMESTIC
4 VIOLENCE OFFENSES AND TO APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 15A-266.3A reads as rewritten:

7 **"§ 15A-266.3A. DNA sample required for DNA analysis upon arrest for certain offenses.**

8 (a) Unless a DNA sample has previously been obtained by lawful process and the DNA
9 record stored in the State DNA Database, and that record and sample has not been expunged
10 pursuant to any provision of law, a DNA sample for DNA analysis and testing shall be obtained
11 from any person who is arrested for committing an offense described in subsection ~~(f)~~(f), (f1),
12 or (g) of this section.

13 ...

14 (f) This section applies to a person arrested for violating any one of the following
15 offenses in Chapter 14 of the General Statutes:

16 ...

17 (4) G.S. 14-28, Malicious castration; G.S. 14-29, Castration or other maiming
18 without malice aforethought; G.S. 14-30, Malicious maiming; G.S. 14-30.1,
19 Malicious throwing of corrosive acid or alkali; G.S. 14-31, Maliciously
20 assaulting in a secret manner; G.S. 14-32, Felonious assault with deadly
21 weapon with intent to kill or inflicting serious injury; G.S. 14-32.1(e),
22 Aggravated assault or assault and battery on an individual with a disability;
23 G.S. 14-32.2(a) when punishable pursuant to G.S. 14-32.2(b)(1), Patient
24 abuse and neglect, intentional conduct proximately causes death;
25 G.S. 14-32.3(a), Domestic abuse of disabled or elder adults resulting in injury;
26 G.S. 14-32.4, Assault inflicting serious bodily injury or injury by
27 strangulation; G.S. 14-33(c)(2), Assault on a female by a male person at least
28 18 years of age; G.S. 14-33(c)(3), Assault on a child under the age of 12 years;
29 G.S. 14-33.2, Habitual misdemeanor assault; G.S. 14-34.1, Discharging
30 certain barreled weapons or a firearm into occupied property; G.S. 14-34.2,
31 Assault with a firearm or other deadly weapon upon governmental officers or
32 employees, company police officers, or campus police officers; G.S. 14-34.4,
33 Adulterated or misbranded food, drugs, etc.; intent to cause serious injury or
34 death; intent to extort; G.S. 14-34.5, Assault with a firearm on a law
35 enforcement, probation, or parole officer or on a person employed at a State
36 or local detention facility; G.S. 14-34.6, Assault or affray on a firefighter, an



1 emergency medical technician, medical responder, emergency department
2 nurse, or emergency department physician; G.S. 14-34.7, Assault inflicting
3 serious injury on a law enforcement, probation, or parole officer or on a person
4 employed at a State or local detention facility; G.S. 14-34.9, Discharging a
5 firearm from within an enclosure; and G.S. 14-34.10, Discharge firearm
6 within enclosure to incite fear.

7 ...

8 (8a) G.S. 14-163.1(a1), Assaulting a law enforcement agency animal, an assistance
9 animal, or a search and rescue animal willfully killing the animal.

10 ...

11 (f1) This section applies to a person arrested for violating any one of the offenses found
12 in G.S. 50B-4.1.

13 (g) This section also applies to a person arrested for attempting, solicitation of another to
14 commit, conspiracy to commit, or aiding and abetting another to commit, any of the violations
15 included in ~~subsection~~ subsections (f) and (f1) of this section.

16"

17 **SECTION 1.(b)** G.S. 15A-266.2 reads as rewritten:

18 "**§ 15A-266.2. Definitions.**

19 As used in this Article, unless another meaning is specified or the context clearly requires
20 otherwise, the following terms have the meanings specified:

21 (1) "Arrestee" means any person arrested for an offense in ~~G.S. 15A-266.3A(f)~~
22 G.S. 15A-266.3A(f), (f1), or (g).

23"

24 **SECTION 1.(c)** This section becomes effective December 1, 2021, and applies to
25 offenses committed on or after that date.

26 **SECTION 2.(a)** There is appropriated from the General Fund to the Department of
27 Justice one million seventy-nine thousand twenty-two dollars (\$1,079,022) in recurring funds for
28 both fiscal years of the 2021-2023 fiscal biennium to be allocated to the State Crime Laboratory
29 to be used as follows:

30 (1) \$630,000 to be used for supplies and collection kits for DNA testing.

31 (2) \$449,022 to be used for two full-time forensic scientist positions and four
32 full-time criminal justice specialist/investigator positions.

33 **SECTION 2.(b)** This section becomes effective July 1, 2021.

34 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
35 law.