



2015-2016 General Assembly

HOUSE BILL 97: 2015 Appropriations Act, Sec. 17.3: Collect DNA/All Violent Felony Arrests

Committee:

Introduced by:

Analysis of: Sec. 17.3 of S.L. 2015-241

Date:

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Staff Attorney

SUMMARY: *Sec. 17.3 of S.L. 2015-241 expands the list of criminal offenses for which a DNA sample must be obtained for testing and analysis upon arrest to include additional violent felonies and requires a study of expanding the requirement to include all arrests for all felony offenses.*

The expansion of offenses in this section became effective December 1, 2015, and applies to arrests occurring on or after that date. The provision directing the study became effective July 1, 2015.

CURRENT LAW: DNA samples for DNA analysis and testing must be collected from persons arrested for attempting, soliciting, conspiring, or aiding and abetting another to commit any of the following offenses: murder; manslaughter; rape or sex offenses; felony assaults with a deadly weapon or causing serious bodily injury; kidnapping or human trafficking; burglary offenses; arson; armed robbery; stalking; cyberstalking; and any offense which would require the person to register as a sex offender.

BILL ANALYSIS:

Subsection (a) of this Section requires DNA samples to be collected upon arrest for the following additional offenses:

- Assault with a deadly weapon on executive, legislative, or court officer
- Assault inflicting serious bodily injury on executive, legislative, or court officer
- Any felony offense in Article 6A, Unborn Victims
- Malicious castration
- Castration or other maiming without malice aforethought
- Malicious maiming
- Malicious throwing of corrosive acid or alkali
- Maliciously assaulting in a secret manner
- Aggravated assault or assault and battery on handicapped person
- Patient abuse and neglect, when intentional conduct proximately causes death
- Domestic abuse of disabled or elder adults resulting in injury
- Assault inflicting serious bodily injury by strangulation
- Discharging certain barreled weapons or a firearm into occupied property
- Adulterating/misbranding food, drugs or cosmetics intending to cause serious injury or death
- Discharging a firearm from within an enclosure
- Discharging firearm within enclosure to incite fear
- Malicious injury or damage by use of explosive or incendiary device or material
- Breaking or entering buildings with intent to terrorize or injure
- Common law robbery other than robbery with a firearm or other dangerous weapon
- Train robbery

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- Willfully killing a law enforcement agency animal, an assistance animal, or a search and rescue animal
- Secretly peeping into room occupied by another person
- Possession of dangerous weapon in prison resulting in bodily injury or escape
- Taking of hostage by prisoner
- Malicious conduct by prisoner
- Assault on emergency personnel with a dangerous weapon or substance
- Unlawful manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of a nuclear, biological, or chemical weapon of mass destruction
- Unlawful use of a nuclear, biological, or chemical weapon of mass destruction
- Child abuse inflicting serious physical injury
- Child abuse inflicting serious bodily injury
- Cruelty to animals; maliciously kill by intentional deprivation of necessary sustenance
- Cruelty to animals; maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill
- Attempt to conceal evidence of non-natural death by dismembering or destroying remains

Subsection (b) of this Section requires the Joint Legislative Oversight Committee on Justice and Public Safety to study extending the collection of DNA samples to persons arrested for any felony and to report its findings and recommendations to the 2016 Regular Session of the 2015 General Assembly.

EFFECTIVE DATE: Subsection (a) of this section became effective December 1, 2015, and applies to arrests occurring on or after that date. The remainder of this section became effective on July 1, 2015.