

By the Committees on Judiciary, Law Enforcement & Crime
Prevention and Representative Futch

1 A bill to be entitled
2 An act relating to DNA testing; amending s.
3 943.325, F.S.; requiring certain persons
4 convicted of burglary to submit blood specimens
5 for DNA analysis; requiring persons on
6 probation, community control, parole,
7 conditional release, control release, or other
8 supervision for any offense who are required to
9 provide blood samples to provide them even
10 without a court order requiring it; providing
11 for enforcement; reenacting s. 810.02, F.S.,
12 relating to burglary; providing an effective
13 date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (1) and paragraph (a) of
18 subsection (10) of section 943.325, Florida Statutes, are
19 amended and paragraph (f) is added to subsection (10) of that
20 section, to read:

21 943.325 Blood specimen testing for DNA analysis.--

22 (1)(a) Any person who is convicted, or ~~who~~ was
23 previously convicted ~~and is still incarcerated~~, in this state
24 for any offense or attempted offense defined in chapter 794,
25 chapter 800, s. 782.04, s. 784.045, s. 810.02, s. 812.133, or
26 s. 812.135, and who is either:

27 1. Still incarcerated, or

28 2. No longer incarcerated but is within the confines
29 of the legal state boundaries, and is on probation, community
30 control, parole, conditional release, control release, or any
31 other court-ordered supervision,

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2 shall be required to submit two specimens of blood to a
3 Department of Law Enforcement designated testing facility as
4 directed by the department.

5 (b) For the purpose of this section, the term "any
6 person" shall include both juveniles and adults committed to
7 or under the supervision of the Department of Corrections or
8 the Department of Juvenile Justice or committed to a county
9 jail.

10 (10)(a) The court shall include in the judgment of
11 conviction for an offense specified in this section, or a
12 finding that a person described in subsection (1) violated a
13 condition of probation, community control, or any other
14 court-ordered supervision, an order stating that blood
15 specimens are required to be drawn by the appropriate agency
16 in a manner consistent with this section and, unless the
17 convicted person lacks the ability to pay, the person shall
18 reimburse the appropriate agency for the cost of drawing and
19 transmitting the blood specimens to the Florida Department of
20 Law Enforcement. The reimbursement payment may be deducted
21 from any existing balance in the inmate's ~~inmates's~~ bank
22 account. If the account balance is insufficient to cover the
23 cost of drawing and transmitting the blood specimens to the
24 Florida Department of Law Enforcement, 50 percent of each
25 deposit to the account must be withheld until the total amount
26 owed has been paid. If the judgment places the convicted
27 person on probation, community control, or any other
28 court-ordered supervision, the court shall order the convicted
29 person to submit to the drawing of the blood specimens as a
30 condition of the probation, community control, or other
31 court-ordered supervision. For the purposes of a person who

1 is on probation, community control, or any other court-ordered
2 supervision, the collection requirement must be based upon a
3 court order, or as otherwise provided by the person in the
4 absence of a court order. If the judgment sentences the
5 convicted person to time served, the court shall order the
6 convicted person to submit to the drawing of the blood
7 specimens as a condition of such sentence.

8 (f) If a judgment fails to order the convicted person
9 to submit to the drawing of the blood specimens as mandated by
10 this section, the state attorney may seek an amended order
11 from the sentencing court mandating the submission of blood
12 specimens in compliance with this section. As an alternative,
13 the department, a state attorney, the Department of
14 Corrections, or any law enforcement agency may seek a court
15 order to secure the blood specimens as authorized in
16 subsection (11).

17 Section 2. Section 810.02, Florida Statutes, is
18 reenacted to read:

19 810.02 Burglary.--

20 (1) "Burglary" means entering or remaining in a
21 dwelling, a structure, or a conveyance with the intent to
22 commit an offense therein, unless the premises are at the time
23 open to the public or the defendant is licensed or invited to
24 enter or remain.

25 (2) Burglary is a felony of the first degree,
26 punishable by imprisonment for a term of years not exceeding
27 life imprisonment or as provided in s. 775.082, s. 775.083, or
28 s. 775.084, if, in the course of committing the offense, the
29 offender:

30 (a) Makes an assault or battery upon any person; or
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1 (b) Is or becomes armed within the dwelling,
2 structure, or conveyance, with explosives or a dangerous
3 weapon; or
4 (c) Enters an occupied or unoccupied dwelling or
5 structure, and:
6 1. Uses a motor vehicle as an instrumentality, other
7 than merely as a getaway vehicle, to assist in committing the
8 offense, and thereby damages the dwelling or structure; or
9 2. Causes damage to the dwelling or structure, or to
10 property within the dwelling or structure in excess of \$1,000.
11 (3) Burglary is a felony of the second degree,
12 punishable as provided in s. 775.082, s. 775.083, or s.
13 775.084, if, in the course of committing the offense, the
14 offender does not make an assault or battery and is not and
15 does not become armed with a dangerous weapon or explosive,
16 and the offender enters or remains in a:
17 (a) Dwelling, and there is another person in the
18 dwelling at the time the offender enters or remains;
19 (b) Dwelling, and there is not another person in the
20 dwelling at the time the offender enters or remains;
21 (c) Structure, and there is another person in the
22 structure at the time the offender enters or remains; or
23 (d) Conveyance, and there is another person in the
24 conveyance at the time the offender enters or remains.
25 (4) Burglary is a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084, if, in the course of committing the offense, the
28 offender does not make an assault or battery and is not and
29 does not become armed with a dangerous weapon or explosive,
30 and the offender enters or remains in a:
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1 (a) Structure, and there is not another person in the
2 structure at the time the offender enters or remains; or
3 (b) Conveyance, and there is not another person in the
4 conveyance at the time the offender enters or remains.

5 Section 3. This act shall take effect July 1, 2000.
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