

By Senator Bronson

18-574B-00

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, or other
 7 supervision for any offense who are required to
 8 provide blood samples to provide them even
 9 without a court order requiring it; providing
 10 for enforcement; reenacting s. 810.02, F.S.,
 11 relating to burglary; providing an effective
 12 date.

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

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

20 943.325 Blood specimen testing for DNA analysis.--

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

- 26 1. Still incarcerated, or
 27 2. No longer incarcerated but is within the confines
 28 of the legal state boundaries,
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1 shall be required to submit two specimens of blood to a
2 Department of Law Enforcement designated testing facility as
3 directed by the department.

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

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

1 supervision or who is no longer incarcerated, the collection
2 requirement must be based upon a court order, or as otherwise
3 provided by the person in the absence of a court order. If
4 the judgment sentences the convicted person to time served,
5 the court shall order the convicted person to submit to the
6 drawing of the blood specimens as a condition of such
7 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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SENATE SUMMARY

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Requires persons convicted of, or previously convicted
of, burglary to furnish blood specimens for DNA analysis.

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