

By the Committee on Criminal Justice and Senator Silver

307-1460-01

1 A bill to be entitled
2 An act relating to DNA testing and analysis;
3 amending s. 943.325, F.S.; requiring the
4 Department of Law Enforcement to add certain
5 felony offenses in a scheduled order to the DNA
6 data banks's enumerated offenses; requiring the
7 Department of Corrections to test certain
8 violent felons in addition to those enumerated
9 in the statute before being released from
10 custody; providing effective dates.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (1) of section 943.325, Florida
15 Statutes, is amended to read:

16 943.325 Blood specimen testing for DNA analysis.--

17 (1)(a)1. Any person who is convicted or was previously
18 convicted in this state for any offense or attempted offense
19 defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s.
20 810.02, s. 812.133, or s. 812.135 and who is either:

21 ~~a.1.~~ Still incarcerated, or

22 ~~b.2.~~ No longer incarcerated but is within the confines
23 of the legal state boundaries and is on probation, community
24 control, parole, conditional release, control release, or any
25 other court-ordered supervision,

26
27 shall be required to submit two specimens of blood to a
28 Department of Law Enforcement designated testing facility as
29 directed by the department.

30 2. The DNA data bank shall be expanded to include
31 these felony offenses on the following dates:

1 a. As of July 1, 2002, any person who is convicted or
2 was previously convicted in this state for any offense or
3 attempted offense defined in s. 812.13 or s. 812.131.

4 b. As of July 1, 2003, any person who is convicted or
5 was previously convicted in this state for any offense or
6 attempted offense defined in chapter 787 or s. 782.07.

7 c. As of July 1, 2004, any person who is convicted or
8 was previously convicted in this state for any violent felony
9 offense or attempted violent felony offense.

10 d. As of July 1, 2005, any person who is convicted or
11 was previously convicted in this state for any felony offense.

12 (b) For the purpose of this section, the term "any
13 person" shall include both juveniles and adults committed to
14 or under the supervision of the Department of Corrections, or
15 the Department of Juvenile Justice, or a private correctional
16 institution operated under contract pursuant to s. 944.105 or
17 s. 957.03 or committed to a county jail.

18 (c) In addition to those persons designated in
19 paragraph (a), any person described in paragraph (b) who was
20 previously convicted in this state for any offense or
21 attempted offense defined in chapter 787, s. 782.07, s.
22 812.13, or s. 812.131 shall be required to submit, not less
23 than 45 days prior to his or her presumptive date of release
24 from such custody, two specimens of blood as directed by the
25 Department of Law Enforcement to a testing facility designated
26 by the department.

27 Section 2. This act shall take effect July 1, 2001.
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 268

- Provides that the term "any person" in s. 943.325(1)(b), F.S., includes those incarcerated in privately run prisons in addition to those incarcerated in the Department of Corrections, the Department of Juvenile Justice, and those committed to county and municipal detention facilities.
- Provides a time table for expanding the FDLE DNA data bank to include additional violent felons, then all violent felons, then all convicted felons by the year 2005.
- Provides that persons now incarcerated for violations of s. 782.07, F.S., ch. 787, F.S., s. 812.13, F.S., and s. 812.131, F.S., and who are pending release, will be required to submit blood specimens to FDLE for analysis not later than 45 days prior to release.