

By the Committees on Appropriations, Criminal Justice and
Senator Silver

309-1713-01

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.

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

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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) Any person who is convicted or was previously
18 convicted in this state for any offense or attempted offense
19 enumerated in paragraph (b) defined in chapter 794, chapter
20 800, s. 782.04, s. 784.045, s. 810.02, s. 812.133, or s.
21 812.135 and who is either:

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

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

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1 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045,
2 s. 810.02, s. 812.133, or s. 812.135.

3 2. Effective July 1, 2002, and contingent upon
4 specific appropriation, s. 812.13 or s. 812.131.

5 3. Effective July 1, 2003, and contingent upon
6 specific appropriation, chapter 787 or s. 782.07.

7 4. Effective July 1, 2004, and contingent upon
8 specific appropriation, any forcible felony, as described in
9 s. 776.08, aggravated child abuse, as described in s.
10 827.03(2), aggravated abuse of an elderly person or a disabled
11 adult, as described in s. 825.102(2), or any felony violation
12 of chapter 790 involving the use or possession of a firearm.

13 5. Effective July 1, 2005, and contingent upon
14 specific appropriation, any felony offense.

15 (c) As used in ~~For the purpose of~~ this section, the
16 term "any person" includes ~~shall include~~ both juveniles and
17 adults committed to a county jail or committed to or under the
18 supervision of the Department of Corrections or the Department
19 of Juvenile Justice, including persons incarcerated in a
20 private correctional institution operated under contract
21 pursuant to s. 944.105 or s. 957.03 ~~or committed to a county~~
22 ~~jail.~~

23 (d) Effective July 1, 2001, any person who was
24 previously convicted in this state for any offense or
25 attempted offense enumerated in subparagraph (b)1.,
26 subparagraph (b)2., or subparagraph (b)3. and who is still
27 incarcerated or in the custody of the Department of Juvenile
28 Justice must submit, not less than 45 days before his or her
29 presumptive date of release from such incarceration or
30 commitment, two specimens of blood as directed by the
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1 Department of Law Enforcement to a testing facility designated
2 by the department.

3 Section 2. This act shall take effect July 1, 2001.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 CS/SB 268

8 Provides that implementation of the timetable for expanding
9 FDLE's DNA database is contingent upon specific appropriation
in future years.

10 Deletes the term "violent felony offense" and provides that
11 effective July 1, 2004, any person convicted or previously
12 convicted for any forcible felony, as described in s. 776.08,
13 aggravated child abuse, as described in s. 827.03(2),
14 aggravated abuse of an elderly person or disabled adult, as
described in s. 825.102(2), or any felony violation of chapter
790 involving the use or possession of a firearm must submit
two specimens of blood to a testing facility designated by
FDLE.

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