

1 A bill to be entitled
 2 An act relating to DNA testing; amending s. 943.325, F.S.;
 3 revising offenses for which a conviction requires the
 4 person convicted to provide biological specimens in
 5 specified circumstances; correcting a reference; providing
 6 an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

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 10 Section 1. Subsection (1) of section 943.325, Florida
 11 Statutes, is amended to read:

12 943.325 Blood or other biological specimen testing for DNA
 13 analysis.--

14 (1) (a) Any person who is convicted or was previously
 15 convicted in this state for any offense or attempted offense
 16 enumerated in paragraph (b), and any person who is transferred
 17 to this state under Article VII of the Interstate Compact on
 18 Juveniles, part XIII √ of chapter 985, who has committed or
 19 attempted to commit an offense similarly defined by the
 20 transferring state, who is either:

- 21 1. Still incarcerated, or
- 22 2. No longer incarcerated, or has never been incarcerated,
- 23 yet is within the confines of the legal state boundaries and is
- 24 on probation, community control, parole, conditional release,
- 25 control release, or any other type of court-ordered supervision,
- 26

27 shall be required to submit two specimens of blood or other
 28 biological specimens approved by the Department of Law

29 Enforcement to a Department of Law Enforcement designated
 30 testing facility as directed by the department.

31 ~~(b) 1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.~~
 32 ~~810.02, s. 812.133, or s. 812.135.~~

33 ~~2. Effective July 1, 2002, and contingent upon specific~~
 34 ~~appropriation, s. 812.13 or s. 812.131.~~

35 ~~3. Effective July 1, 2003, and contingent upon specific~~
 36 ~~appropriation, chapter 787 or s. 782.07.~~

37 ~~4. Effective July 1, 2004, and contingent upon specific~~
 38 ~~appropriation, any forcible felony, as described in s. 776.08,~~
 39 ~~aggravated child abuse, as described in s. 827.03(2), aggravated~~
 40 ~~abuse of an elderly person or a disabled adult, as described in~~
 41 ~~s. 825.102(2), or any felony violation of chapter 790 involving~~
 42 ~~the use or possession of a firearm.~~

43 ~~1.5. Effective July 1, 2005, and contingent upon specific~~
 44 ~~appropriation, Any felony offense.~~

45 2. Any misdemeanor violation of s. 784.048, s. 810.14, s.
 46 847.011, s. 847.013, s. 847.0135, or s. 877.26.

47 3. An offense that the court found at sentencing was
 48 committed for the purpose of benefiting, promoting, or
 49 furthering the interests of a criminal street gang as defined in
 50 s. 874.03.

51 (c) As used in this section, the term "any person"
 52 includes both juveniles and adults committed to a county jail or
 53 committed to or under the supervision of the Department of
 54 Corrections or the Department of Juvenile Justice, including
 55 persons incarcerated in a private correctional institution
 56 operated under contract pursuant to s. 944.105.

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57 (d) Any person who was previously convicted in this state
58 for any offense or attempted offense enumerated in paragraph (b)
59 ~~subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3.~~
60 and who is still incarcerated or in the custody of the
61 Department of Juvenile Justice must submit, not less than 45
62 days before his or her presumptive date of release from such
63 incarceration or commitment, two specimens of blood or other
64 approved biological specimens as directed by the Department of
65 Law Enforcement to a testing facility designated by the
66 department.

67 Section 2. This act shall take effect July 1, 2007.