

By Senator Lynn

7-00030-08

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1 A bill to be entitled

2 An act relating to the DNA testing of offenders; amending
3 s. 943.325, F.S.; requiring persons who are charged with
4 certain specified offenses and adjudicated mentally
5 incompetent to stand trial to submit blood or other
6 biological samples to the Department of Law Enforcement;
7 providing an effective date.

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

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11 Section 1. Paragraphs (a), (b), and (c) of subsection (1)
12 of section 943.325, Florida Statutes, are amended to read:

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

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

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

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

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29 shall be required to submit two specimens of blood or other

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30 biological specimens approved by the Department of Law
31 Enforcement to a Department of Law Enforcement designated testing
32 facility as directed by the department.

33 2. Any person who is charged with any offense or attempted
34 offense enumerated in paragraph (b) and adjudicated as mentally
35 incompetent to stand trial pursuant to chapter 916 shall be
36 required to submit two specimens of blood or other biological
37 specimens approved by the Department of Law Enforcement to a
38 designated testing facility as directed by the department.

39 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.
40 810.02, s. 812.133, or s. 812.135.

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

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

45 4. Effective July 1, 2004, and contingent upon specific
46 appropriation, any forcible felony, as described in s. 776.08;;
47 aggravated child abuse, as described in s. 827.03(2);; aggravated
48 abuse of an elderly person or a disabled adult, as described in
49 s. 825.102(2);; or any felony violation of chapter 790 involving
50 the use or possession of a firearm.

51 5. Effective July 1, 2005, and contingent upon specific
52 appropriation, any felony offense.

53 (c) As used in this section, the term "any person" includes
54 both juveniles and adults who are:

55 1. Adjudicated as mentally incompetent to stand trial
56 pursuant to chapter 916; or

57 2. Committed to a county jail or committed to or under the
58 supervision of the Department of Corrections or the Department of

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59 Juvenile Justice, including persons incarcerated in a private
60 correctional institution operated under contract pursuant to s.
61 944.105.

62 Section 2. This act shall take effect October 1, 2008.