

HB 29

2008

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; providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Subsection (1) of section 943.325, Florida
10 Statutes, is amended to read:

11 943.325 Blood or other biological specimen testing for DNA
12 analysis.--

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

20 1. Still incarcerated, or

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

25
26 shall be required to submit two specimens of blood or other
27 biological specimens approved by the Department of Law

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

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

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

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

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

42 ~~1.5. Effective July 1, 2005, and contingent upon specific~~
43 ~~appropriation, Any felony offense.~~

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

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

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

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

66 Section 2. This act shall take effect July 1, 2008.