

By the Committee on Criminal and Civil Justice Appropriations;
and Senators Dean, Haridopolos, Bullard and Dockery

604-06997-08

2008472c1

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:

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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 to

16 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

28 Enforcement to a Department of Law Enforcement designated testing

29 facility as directed by the department.

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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 was found, pursuant to s. 874.04, to~~
47 ~~have been 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" includes
51 both juveniles and adults committed to a county jail or committed
52 to or under the supervision of the Department of Corrections or
53 the Department of Juvenile Justice, including persons
54 incarcerated in a private correctional institution operated under
55 contract pursuant to s. 944.105.

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. and~~

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59 | who is still incarcerated or in the custody of the Department of
60 | Juvenile Justice must submit, not less than 45 days before his or
61 | her presumptive date of release from such incarceration or
62 | commitment, two specimens of blood or other approved biological
63 | specimens as directed by the Department of Law Enforcement to a
64 | testing facility designated by the department.

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