



152370

LEGISLATIVE ACTION

| Senate      | . | House |
|-------------|---|-------|
| Comm: UNFAV | . |       |
| 04/15/2009  | . |       |
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The Committee on Judiciary (Joyner) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 387 - 409  
and insert:

(b) On the basis of an arrest, if the department obtains, for each charge against the person on the basis of which the analysis was or could have been included in the statewide DNA database, a certified copy of the No Information or Nolle Prosequi filed by the state attorney, or final court order or other official documentation establishing that the charge has been dismissed, has resulted in an acquittal, or that no charge was filed within the applicable time period. Upon entry of one



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13 of these orders or filings for any person, the clerk shall  
14 notify the department. If the department determines that the  
15 person is included in the DNA database based solely on the  
16 charge that is the subject of the clerk's notification, it shall  
17 request certified copies of the orders or filings from the  
18 clerk.

19  
20 For purposes of this section, a court order is not final if time  
21 remains for an appeal or application for discretionary review  
22 with respect to the order, or if a case has been remanded for  
23 retrial or other proceedings and has not been resolved after  
24 remand, or time remains for appeal or discretionary review of  
25 the remanded case or any other such proceedings that have not  
26 concluded and rendered the case resolved with finality.

27 (17) RULES.-The department shall, by rule, establish the  
28 procedure by which a person seeking removal of his or her DNA  
29 analysis and biological sample from the statewide DNA database  
30 shall submit the certified information required in paragraph  
31 (16) (a) to the department. The department shall also establish,  
32 by rule, the procedure by which the department processes and  
33 tracks notifications from the clerk and requests from the clerk  
34 certified copies of the court orders and filings required for  
35 the removal of a person's DNA analysis and biological sample  
36 from the statewide DNA database in paragraph (16) (b).

37  
38  
39 ===== T I T L E A M E N D M E N T =====

40 And the title is amended as follows:

41 Delete line 53



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42 and insert:  
43 result of an arrest; requiring the clerk of court to notify the  
44 Department of Law Enforcement upon certain filings in criminal  
45 cases; requiring the Department of Law Enforcement to determine  
46 eligibility for expungement of DNA analysis and biological  
47 samples and to request certified copies of orders and filings;  
48 authorizing the Department of Law  
49