

S.B. 277
DNA MODIFICATIONS

Representative **Ryan D. Wilcox** proposes the following amendments:

1. *Page 1, Line 14*

Senate 2nd Reading Amendments

3-8-2010:

14 ▶ requires that ~~{any law enforcement agency}~~ a county sheriff that books a person for any violent crime

2. *Page 1, Line 20*

Senate 2nd Reading Amendments

3-8-2010:

20 ▶ allocates ~~{-\$20}~~ \$25 of the fee to the collecting agency, and the balance of ~~{-\$130}~~ \$125 to the

3. *Page 1, Line 24b through Page 2, Line 25*

a. Senate 2nd Reading Amendments

b. 3-8-2010:

24b establishing a donor's gender and unique individual identification by DNA analysis; ~~{and}~~

24c ▶ requires that the DNA analysis be consistent with and not exceed FBI forensic DNA analysis

24d procedures ~~{-}~~ ~~←~~ ~~§~~ ~~;~~

▶ requires that the department destroy a DNA specimen if criminal charges have not been filed within 90 days after booking;

; and

▶ provides that when a court issues an order to destroy DNA records pursuant to a person's motion for destruction based on dismissal or acquittal of the charge against the person, the court may also provide information advising of state law regarding expungement of criminal charges.

25 Monies Appropriated in this Bill:

4. *Page 3, Line 87:*

87 (1) As used in this section, "person" refers to any person ~~{, including a minor,}~~ as

5. *Page 4, Line 106:*

106 ~~retain the balance of \$20]~~ may retain not more than ~~{-\$20}~~ \$25 per individual specimen for the costs

6. Page 4, Line 109:

109 ~~{ \$20 }~~ \$25 , and no amount of the \$150 fee may be credited to any other fee or agency obligation.

7. Page 5, Line 131:

131 (i) after a conviction ~~{ ,plea, }~~ or a finding of jurisdiction by the juvenile court~~[,and~~

8. Page 6, Line 156:

156 supervision of the Department of Corrections; ~~{ and }~~

9. Page 6, Line 159:

159 (B) for a misdemeanor offense for which collection of a DNA specimen is required ; and
(iii) on and after January 1, 2011, are booked at the county jail for any offense under Subsection
53-10-403(1)(c) .

10. Page 6, Lines 161 through 164:

161 ~~{ (d) On and after January 1, 2011, each law enforcement agency that books a person for~~
162 any offense under Subsection 53-10-403(1)(c) shall obtain a DNA specimen from the person
163 being booked in accordance with this section. }
164 ~~{ (e) }~~ (d) Each agency required to collect a DNA specimen under this section shall:

11. Page 8, Lines 224 through 226

Senate Committee Amendments

3-2-2010:

224 (1) (a) When ~~{ any law enforcement agency within the state }~~ a sheriff books a person for any
225 offense under Subsection 53-10-403(1)(c), the ~~{ law enforcement agency }~~ sheriff shall obtain a DNA
226 specimen from the person upon booking of the person at the county jail ~~↳ [or upon admission to a~~
~~detention facility] ←~~↳

12. Page 8, Lines 228 through 230

Senate Committee Amendments

3-2-2010:

228 (b) If at the time of booking ~~↳ [or admission to a detention facility] ←~~ the ~~{ acting law~~
229 enforcement agency } sheriff is able to obtain information from the bureau stating that the bureau has on
230 file a DNA specimen for the person, the ~~{ law enforcement agency }~~ sheriff is not required to obtain
an

13. Page 8, Line 238

Senate Committee Amendments

3-2-2010:

238 retain not more than ~~{\$20}~~ \$25 per individual specimen for the costs of obtaining the DNA specimen.

14. Page 8, Line 240

Senate Committee Amendments

3-2-2010:

240 ~~{\$20}~~ \$25 , and no amount of the \$150 fee may be credited to any other fee or agency obligation.

15. Page 10, Lines 289b through 289e

Senate 2nd Reading Amendments

3-8-2010:

289b markers routinely used or accepted in the field of forensic science are used to establish the ~~[profile]~~

289c gender and unique individual identification of the donor;

289d (h) utilize only those DNA analysis procedures that are consistent with, and do not exceed, procedures

289e established and used by the Federal Bureau of Investigation for the forensic analysis of DNA;

= = ←§ (i) destroy a DNA specimen obtained under this part if criminal charges have not been filed within 90 days after booking for an alleged offense under Subsection 53-10-403(2)(c); and

16. Page 10, Line 290

Senate 2nd Reading Amendments

3-8-2010:

290 ~~[(f)]~~ ~~§~~ → ~~[(g)]~~ ~~{ (i) }~~ ← ~~§~~ (j) make rules in accordance with Title 63G, Chapter 3, Utah

17. Page 11, Lines 321 through 322

Senate 2nd Reading Amendments

3-8-2010:

321 offense listed in Subsection 53-10-403(2).

= (7) A court order issued under Subsection (6) may be accompanied by a written notice to the person advising that state law provides for expungement of criminal charges if the charge is resolved by a final judgment of dismissal or acquittal.

322 ~~[(b)]~~ ~~{-(7)-}~~ (8) Upon receipt of a ~~[written request]~~ court order for destruction pursuant to ~~[this~~

18. Page 11, Line 331

Senate 2nd Reading Amendments

3-8-2010:

331 [~~7~~] {~~8~~} (9) The department is not required to destroy any item of physical evidence

19. *Page 11, Line 334*

Senate 2nd Reading Amendments

3-8-2010:

334 [~~8~~] {~~9~~} (10) A DNA specimen, physical evidence, or criminal identification record may

20. *Page 11, Line 336*

Senate 2nd Reading Amendments

3-8-2010:

336 [~~9~~] {~~10~~} (11) If funding is not available for analysis of any of the DNA specimens