

## H.B. 156

### DNA SAMPLE - FELONY AND CERTAIN MISDEMEANOR ARRESTS

Representative **Kerry W. Gibson** proposes the following amendments:

1. Page 1, Line 2:

2 MISDEMEANOR {~~ARRESTS~~} CONVICTIONS

2. Page 1, Line 11:

11 include collection from persons arrested for any felony and persons convicted of specified misdemeanors.

3. Page 1, Lines 14 through 15:

14 ▶ requires that any law enforcement agency that {~~arrests~~} books a a person for any felony {~~or~~

15 class A misdemeanor or for assault, a class B misdemeanor,} shall obtain a DNA

4. Page 1, Line 17:

= ▶ requires that when a person is convicted of specified misdemeanors, the arresting law enforcement agency shall obtain a DNA specimen if the arrested person's specimen is not already on file; {~~and~~}

17 ▶ requires the person convicted of a felony or convicted of specified misdemeanors = {~~arrested person~~} to pay a fee of \$100 for the costs of collecting the DNA

5. Page 1, Line 19:

19 person is not acquitted ; and

▶ provides a process for the destruction of DNA for a booked person who is not prosecuted or who is acquitted . =

6. Page 2, Line 46:

46 (c) (i) has been arrested on or after January 1, 2009, for any felony offense under Subsection (2); or

(ii) has been convicted on or after January 1, 2009, for any misdemeanor offense under Subsection (2); =

7. Page 3, Line 74:

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

**8. Page 3, Lines 80 through 81:**

80 (i) the person was ~~{-arrested-}~~ booked for a felony or convicted of a misdemeanor under  
Section 53-10-403 and is not required to reimburse  
81 the agency because the person's DNA specimen is already on record under Section 53-10-404.5; or

**9. Page 4, Line 97:**

97 preferred method of collection ~~{shall be}~~ is obtaining a saliva specimen.

**10. Page 4, Lines 110 through 111:**

110 (ii) on and after January 1, 2009 ~~{,}~~ :  
(A) - {after the arrest} at the booking of a person arrested for any felony offense  
under  
111 Subsection (2)(a) ; and  
(B) upon the conviction of any person for any misdemeanor offense under Subsection 53-10-  
403(2) .

**11. Page 5, Lines 128 through 130:**

128 (d) On and after January 1, 2009, ~~{each}~~ a law enforcement agency ~~{that arrests a person~~  
for  
129 any offense under Subsection (2)(a)} shall obtain a DNA specimen in accordance with Section 53-10-  
403 ~~{from the arrested person in~~  
130 accordance with Section 53-10-403} :  
(i) at the time of the law enforcement agency books a person arrested for a felony under Subsection  
53-10-403(2)(a); and  
(ii) at the time of conviction of a person for a misdemeanor under Subsection 53-10-403(2), when  
the law enforcement agency is the agency that arrested or cited the person for the misdemeanor  
upon which the conviction is based .

**12. Page 7, Lines 189 through 194:**

189 53-10-404.5. Obtaining DNA specimen at time of ~~{arrest}~~ booking for a felony and upon  
conviction of specified misdemeanors - Payment of fee.  
190 (1) (a) (i) When any law enforcement agency within the state arrests a person for any felony  
191 offense under Subsection 53-10-40 ~~{4}~~ 3 (2)(a), the law enforcement agency shall obtain a DNA  
192 specimen from the person at the time of ~~{arrest or upon}~~ booking at the jail, {or upon admission to  
193 a detention facility,} except under Subsection (1)(b).

(ii) When a person is convicted of a misdemeanor under Subsection 53-10-403(2), the law enforcement agency that arrested or cited the person for that misdemeanor shall obtain a DNA specimen from the person upon conviction, except under Subsection (1)(b).

194 (b) (i) If at the time of ~~{-arrest,}~~ booking ~~{, or admission to a detention facility}~~ - on a felony offense, or conviction of a misdemeanor offense under Subsection 53-10-403(2) the arresting

13. Page 7, Line 198:

198 (2) ~~{The}~~ A person ~~{arrested under Subsection (1)}~~ convicted of a felony or of a misdemeanor under Subsection 53-10-403(2) shall pay a fee of \$100 for the cost of

14. Page 7, Line 201:

201 (3) The law enforcement agency that booked a person convicted of a felony, and the ~~{arrested}~~ the county sheriff of the jurisdiction where a person is convicted of a misdemeanor under Subsection 53-10-403(2), shall collect the fee of \$100.