

# HB0382S01 compared with HB0382

~~{deleted text}~~ shows text that was in HB0382 but was deleted in HB0382S01.

Inserted text shows text that was not in HB0382 but was inserted into HB0382S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{DEOXYRIBONUCLEIC ACID AMENDMENTS}~~ Representative Steve Eliason proposes the following substitute bill:

## DNA TASK FORCE

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill ~~{allows a sheriff to request a voluntary DNA sample from a person who is booked for an offense for which DNA collection is not mandatory}~~ creates the DNA Task Force.

#### Highlighted Provisions:

This bill:

- ▶ ~~{allows a sheriff to request a voluntary DNA sample from certain persons arrested for minor offenses; and~~

————▶ ~~{waives the fee if the person agrees}~~ creates a task force to study DNA collection, storage, testing, and destruction by the Department of Public Safety.

#### Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2018.

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- ▶ To the Senate, as a one-time appropriation:
  - from the General Fund \$4,000 to pay for the salary of the senator serving on the task force; and
- ▶ To the House of Representatives, as a one-time appropriation:
  - from the General Fund \$4,000 to pay for the salary of the representative serving on the task force.

### Other Special Clauses:

{~~None~~

### Utah Code Sections Affected:

AMENDS:

~~53-10-404.5~~, as last amended by Laws of Utah 2014, Chapter 331; This bill provides a repeal date.

### Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. ~~{Section 53-10-404.5 is amended to read:~~

~~53-10-404.5. Obtaining DNA specimen at time of booking-- Payment of fee upon conviction:~~

~~(1) (a) When a sheriff books a person for any offense under Subsections 53-10-403(1)(c) and (d), the sheriff shall obtain a DNA specimen from the person upon booking of the person at the county jail, except under Subsection (1)(b).~~

~~(b) If at the time of booking the sheriff is able to obtain information from the bureau stating that the bureau has on file a DNA specimen for the person, the sheriff is not required to obtain an additional DNA specimen.~~

~~(2) The person booked under Subsection (1) shall pay a fee of \$150 for the cost of obtaining the DNA specimen if:~~

~~(a) the charge upon which the booking is based is resolved by a conviction or the person is convicted of any charge arising out of the same criminal episode regarding which the DNA specimen was obtained; and~~

~~(b) the person's DNA sample is not on file under Subsection (1)(b).~~

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~~(3) When a sheriff books a person for any offense other than an offense under Subsections 53-10-403(1)(c) and (d), the sheriff shall request that the person voluntarily provide a DNA specimen:~~

~~(a) The request, and the person's response, shall be documented by the booking agency:~~

~~(b) If the person voluntarily provides a DNA specimen, the fee in Subsection (2) shall be waived:~~

~~(c) A DNA specimen collected under this Subsection (3) may be processed at any time:~~

~~[(3)] (4) (a) All fees collected under Subsection (2) shall be deposited in the DNA Specimen Restricted Account created in Section 53-10-407, except that the agency collecting the fee may retain not more than \$25 per individual specimen for the costs of obtaining the DNA specimen:~~

~~(b) The agency collecting the \$150 fee may not retain from each separate fee more than \$25, and no amount of the \$150 fee may be credited to any other fee or agency obligation:~~

~~[(4) Any] (5) Except for a DNA specimen obtained;~~ **DNA Task Force -- Creation -- Membership -- Quorum -- Compensation -- Staff.**

(1) There is created the DNA Task Force consisting of the following eight members:

(a) one member of the Senate appointed by the president of the Senate;

(b) one member of the House of Representatives appointed by the speaker of the House of Representatives;

(c) one representative from the Crime Laboratory, appointed by the commissioner of Public Safety;

(d) one representative from the Department of Corrections, appointed by the Executive Director of the Department of Corrections;

(e) one member of the Sheriff's Association, selected by the membership;

(f) one member of the Chiefs of Police Association, selected by the membership;

(g) one representative from an association representing prosecutors; and

(h) one representative from the Courts, appointed by the Judicial Council.

(2) The Senator and Representative shall chair the task force.

(3) A majority of the members of the task force constitute a quorum. The action of a majority of a quorum constitutes the action of the task force.

(4) (a) Salaries and expenses of the members of the task force who are legislators shall

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be paid in accordance with ~~Subsection (3), any DNA specimen obtained under this section shall be held and may not be processed until:~~

~~—— (a) the court has bound the person over for trial following a preliminary hearing for any charge arising out of the same criminal episode regarding which the person was booked;~~

~~—— (b) the person has waived the preliminary hearing for any charge arising out of the same criminal episode regarding which the person was booked; or~~

~~—— (c) a grand jury has returned an indictment for any charge arising out of the same criminal episode regarding which the person was booked.~~

### **Legislative Review Note**

~~Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Expense and Mileage Reimbursement for Authorized Legislative Meetings, Special Sessions, and Veto Override Sessions.~~

~~(b) A member of the task force who is not a legislator may not receive compensation for their work associated with the task force, but may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~

~~(5) The Office of Legislative Research and General Counsel shall provide staff support to the task force.~~

#### **Section 2. Duties -- Interim report.**

~~(1) The task force shall review and make recommendations on the following issues:~~

~~(a) how to facilitate DNA sample collecting, processing, storing, and destruction;~~

~~(b) study the feasibility of expanding the law to other categories of arrestees or offenders, and the impact of implementing those samples into existing protocols;~~

~~(c) study the fiscal impact of adding more people to the sample pool; and~~

~~(d) study and evaluate the current funding for the state criminal identification database and the state DNA repository.~~

~~(2) A final report, including any proposed legislation shall be presented to the Law~~

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Enforcement and Criminal Justice Interim Committee before November 30, 2017.

### Section 3. Appropriation.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated for the fiscal year beginning July 1, 2017 and ending June 30, 2018. These are additions to any amounts previously appropriated for fiscal year 2018.

#### To Legislature - Senate

From General Fund, One-time \$4,000

#### Schedule of Programs:

Administration \$4,000

#### To Legislature - House of Representatives

From General Fund, One-time \$4,000

#### Schedule of Programs:

Administration \$4,000

### Section 4. Repeal date.

This bill is repealed on December 1, 2017.