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SENATE BILL NO. 419

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend and reenact § 19.2-310.2 of the Code of Virginia, relating to DNA analysis upon conviction of a felony.

Patrons—Rerras and Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-310.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-310.2. Blood, saliva or tissue sample required for DNA analysis upon conviction of a felony. Every person convicted of a felony on or after July 1, 1990, and every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. A fee of twenty-five dollars shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the felony conviction and shall be paid into the general fund of the locality where the sample was taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Division of Forensic Science, Department of Criminal Justice Services. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Division in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

After July 1, 1990, the blood, saliva or tissue sample shall be taken prior to release from custody.

Notwithstanding the provisions of § 53.1-159, any person convicted of a felony who is in custody after July 1, 1990, shall provide a blood, saliva or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva or tissue sample as a condition of such sentence.

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