

HB 791 -- DNA Profiling Analysis

Sponsor: Marshall

This bill changes the laws regarding DNA profiling analysis. In its main provisions, the bill:

(1) Changes when a surcharge is assessed for deposit into the DNA Profiling Analysis Fund to include all criminal cases, except traffic violations, in which the defendant pleads guilty, is found guilty, or is convicted of a felony;

(2) Removes the provision requiring the moneys collected by the surcharge to be deposited into the General Revenue Fund if the state's general revenue did not increase by 2% or more and removes the expiration date of August 28, 2013, regarding the assessment of the surcharge;

(3) Specifies that the moneys deposited into the DNA Profiling Analysis Fund are to be used by the State Highway Patrol Crime Laboratory for the purposes of the DNA Profiling System;

(4) Adds robbery in the first and second degrees or any sexual offense in Chapter 566, RSMo, to the list of crimes for which a person arrested who is 17 years of age or older must be fingerprinted and blood or other scientifically accepted biological sample for the purpose of DNA profiling analysis is to be collected;

(5) Specifies that when the state accepts a person from another state under any interstate compact, other reciprocal agreement, or law, the acceptance is conditional on the person providing a DNA sample if the person was convicted of, found guilty of, or pleaded guilty to a felony offense;

(6) Requires any person subject to DNA collection and profiling analysis to provide a DNA sample at the time of registering as a sexual offender;

(7) Specifies that any person required to submit a DNA sample under these provisions who knowingly refuses or fails to provide a sample will be guilty of a class D felony; and

(8) Specifies that when a DNA sample is taken of an arrestee for any offense under Section 650.055.1 and the warrant is refused, the arresting agency must notify the crime laboratory within 90 days of warrant refusal and the crime laboratory must expunge from the database all DNA records and destroy the DNA sample taken at the arrest for which the warrant was refused, unless the crime laboratory determines that the person is otherwise

obligated to submit a DNA sample for any other qualifying offense or arrest that would require a sample to be taken and retained.

The bill contains an emergency clause for the provisions regarding when a surcharge is assessed, the removal of the provisions regarding the deposit of the surcharge and the expiration date of the surcharge assessment, and the use of the moneys collected by the crime laboratory.