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By: **The Speaker (By Request - Administration) and Delegates Aumann, Barkley, Bartlett, Bates, Bohanan, Cadden, Cardin, Cluster, Cryor, DeBoy, Donoghue, Edwards, Elliott, Frank, Fulton, Impallaria, Jameson, Kach, Kelly, Krebs, Leopold, Levy, Love, Malone, McDonough, McKee, McMillan, Minnick, Moe, Nathan-Pulliam, Parrott, Ross, Shank, Shewell, Stull, Trueschler, and Walkup**

Introduced and read first time: January 25, 2005  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police - Collection of DNA Samples**

3 FOR the purpose of authorizing the collection of certain DNA samples at the time of  
4 sentencing and at a certain location following the imposition of sentence; and  
5 generally relating to the collection of DNA samples by the Department of State  
6 Police.

7 BY repealing and reenacting, with amendments,  
8 Article - Public Safety  
9 Section 2-504  
10 Annotated Code of Maryland  
11 (2003 Volume and 2004 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Public Safety**

15 2-504.

16 (a) (1) In accordance with regulations adopted under this subtitle, and if  
17 adequate funds for the collection of DNA samples are appropriated in the State  
18 budget, an individual who is convicted of a felony or a violation of § 6-205 or § 6-206  
19 of the Criminal Law Article shall:

20 (i) have a DNA sample collected EITHER AT THE TIME OF  
21 SENTENCE OR on intake to a correctional facility, if the individual is sentenced to a  
22 term of imprisonment; or

1 (ii) provide a DNA sample as a condition of sentence or probation, if  
2 the individual is not sentenced to a term of imprisonment.

3 (2) If adequate funds for the collection of DNA samples are appropriated  
4 in the State budget, an individual who was convicted of a felony or a violation of §  
5 6-205 or § 6-206 of the Criminal Law Article on or before October 1, 2003 and who  
6 remains confined in a correctional facility on or after October 1, 1999, shall submit a  
7 DNA sample to the Department.

8 (b) In accordance with regulations adopted under this subtitle, each DNA  
9 sample required to be collected under this section shall be collected:

10 (1) at the correctional facility where the individual is confined, if the  
11 individual is confined in a correctional facility on or after October 1, 2003, or is  
12 sentenced to a term of imprisonment on or after October 1, 2003; [or]

13 (2) at a facility specified by the Director, if the individual is on probation  
14 or is not sentenced to a term of imprisonment; OR

15 (3) AT A SUITABLE LOCATION IN A COURTHOUSE FOLLOWING THE  
16 IMPOSITION OF SENTENCE.

17 (c) A DNA sample shall be collected by an individual who is:

18 (1) [appointed] DESIGNATED by the Director; and

19 (2) trained in the collection procedures that the Crime Laboratory uses.

20 (d) A second DNA sample shall be taken if needed to obtain sufficient DNA for  
21 the statewide DNA data base or if ordered by the court for good cause shown.

22 (e) Failure of an individual who is not sentenced to a term of imprisonment to  
23 provide a DNA sample within 90 days after notice by the Director is a violation of  
24 probation.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect October 1, 2005.