

# HOUSE BILL 996

E4

71r2454

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By: **Delegate Jameson**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Statewide DNA Data Base System – Sexual Offenses and**  
3 **Kidnapping – Sample Collection on Arrest**

4 FOR the purpose of altering certain provisions to require the collection of a DNA  
5 sample from an individual under arrest for certain sexual offenses or  
6 kidnappings instead of from an individual convicted of a felony or certain  
7 burglary offenses; altering a certain definition; defining a certain term;  
8 requiring a DNA sample to be collected at the facility where a certain arrest is  
9 processed; requiring an individual who was arrested before a certain date and  
10 convicted on or after a certain date to submit a DNA sample; repealing a certain  
11 provision that permits the expungement of a DNA sample; and generally  
12 relating to the collection of DNA samples.

13 BY repealing and reenacting, with amendments,  
14 Article – Public Safety  
15 Section 2–501, 2–504, and 2–511  
16 Annotated Code of Maryland  
17 (2003 Volume and 2006 Supplement)

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

20 **Article – Public Safety**

21 2–501.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (b) (1) “CODIS” means the Federal Bureau of Investigation’s “Combined  
3 DNA Index System” that allows the storage and exchange of DNA records submitted  
4 by federal, state and local forensic DNA laboratories.

5 (2) “CODIS” includes the national DNA index administered and  
6 operated by the Federal Bureau of Investigation.

7 (c) “Crime Laboratory” means the Crime Laboratory Division of the  
8 Department.

9 (d) “Director” means the Director of the Crime Laboratory or the Director’s  
10 designee.

11 (e) “DNA” means deoxyribonucleic acid.

12 (f) (1) “DNA record” means DNA information stored in CODIS or the  
13 statewide DNA data base system.

14 (2) “DNA record” includes the information commonly referred to as a  
15 DNA profile.

16 (g) “DNA sample” means a body fluid or tissue sample that is:

17 (1) provided by an individual who is **ARRESTED FOR OR** convicted of  
18 a felony or [a violation of § 6–205 or § 6–206 of the Criminal Law Article] **AN**  
19 **OFFENSE**; or

20 (2) submitted to the statewide DNA data base system for analysis as  
21 part of a criminal investigation.

22 **(H) “OFFENSE” MEANS AN ALLEGED CRIME UNDER TITLE 3, SUBTITLE**  
23 **3 OF THE CRIMINAL LAW ARTICLE OR § 3–502, § 3–503, OR § 3–602 OF THE**  
24 **CRIMINAL LAW ARTICLE.**

25 [(h)] **(I)** “Statewide DNA data base system” means the DNA record system  
26 administered by the Department for identification purposes.

27 [(i)] **(J)** “Statewide DNA repository” means the State repository of DNA  
28 samples collected under this subtitle.

1 2-504.

2 (a) (1) In accordance with regulations adopted under this subtitle, an  
3 individual who is [convicted of] **ARRESTED FOR** [a felony or a violation of § 6-205 or §  
4 6-206 of the Criminal Law Article shall:

5 (i) have a DNA sample collected either at the time of sentence  
6 or on intake to a correctional facility, if the individual is sentenced to a term of  
7 imprisonment; or

8 (ii) provide a DNA sample as a condition of sentence or  
9 probation, if the individual is not sentenced to a term of imprisonment] **AN OFFENSE**  
10 **SHALL HAVE A DNA SAMPLE COLLECTED ON ARREST.**

11 (2) An individual who was convicted of a felony or a violation of §  
12 6-205 or § 6-206 of the Criminal Law Article on or before October 1, 2003 and who  
13 remains confined in a correctional facility on or after October 1, 1999, shall submit a  
14 DNA sample to the Department.

15 **(3) AN INDIVIDUAL WHO WAS ARRESTED FOR AN OFFENSE**  
16 **BEFORE OCTOBER 1, 2007, AND WHO IS CONVICTED OF THE OFFENSE ON OR**  
17 **AFTER OCTOBER 1, 2007, SHALL SUBMIT A DNA SAMPLE TO THE DEPARTMENT.**

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

20 **(1) AT THE FACILITY WHERE THE ARREST OF THE INDIVIDUAL IS**  
21 **PROCESSED;**

22 [(1)] **(2)** at the correctional facility where the individual is confined,  
23 if the individual is confined in a correctional facility on or after October 1, 2003, or is  
24 sentenced to a term of imprisonment on or after October 1, 2003;

25 [(2)] **(3)** at a facility specified by the Director, if the individual is on  
26 probation or is not sentenced to a term of imprisonment; or

27 [(3)] **(4)** at a suitable location in a circuit court following the  
28 imposition of sentence.

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

1 (1) designated by the Director; and

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

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

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

9 2-511.

10 (a) An individual whose DNA record or profile is included in the statewide  
11 DNA data base system and whose DNA sample is stored in the statewide DNA  
12 repository may request that information be expunged on the grounds that the **ARREST**  
13 **OR** conviction that resulted in the inclusion meets the expungement criteria specified  
14 in § 10-105 or § 10-106 of the Criminal Procedure Article.

15 (b) Expungement proceedings shall be conducted in accordance with §  
16 10-105 or § 10-106 of the Criminal Procedure Article.

17 (c) On receipt of an order of expungement, the Director shall purge any DNA  
18 record, DNA sample, or other identifiable information covered by the order from the  
19 statewide DNA data base system and the statewide DNA repository.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2007.