



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 461 Printer's No. 454

Prime Sponsor: Senator Killion
Committee: Judiciary

SYNOPSIS:

This bill amends Title 44 (Law and Justice) to address the collection and testing of DNA evidence by police.

SUMMARY:

Preamble

This bill declares that forensic DNA testing is an important tool in criminal investigations, in excluding innocent individuals from investigations, and detecting and deterring repeated crimes by the same individual. The bill recognizes that several other states have required the collection of DNA samples from individuals who are convicted of certain offenses. It is, therefore, declared that maintaining a DNA bank and data base and using DNA analysis is in the best interest of the Commonwealth.

State Police DNA Data Base

The bill establishes a statewide DNA data base within the Pennsylvania State Police to store forensic DNA profiles and records and to provide forensic DNA profiles to the national DNA index system. The statewide data base will store forensic DNA profiles and records relating to convicted or delinquent offenders required to provide a sample under this legislation and anonymous DNA records for research and development of new DNA identification methods.

The State Police will provide the Governor's Office and the Judiciary Committees of the Senate and House of Representatives a report of the collection and testing of DNA samples. The report must include the age, race, and sex of those who are convicted from whom DNA samples were collected; the fiscal impact on the State Police of collecting and testing DNA samples; the average length of time between the receipt of DNA samples and the completion of forensic DNA testing; and recommendations for the inclusion of additional offenses for which DNA samples must be collected.

The State Police DNA system must comply with the FBI quality assurance standards for forensic DNA testing laboratories.

Collection of DNA Samples

DNA must be collected from any individual who is convicted or adjudicated delinquent of a felony sex offense or other enumerated offenses that include:

- Misdemeanors under Title 75 (relating to vehicles) or first-degree misdemeanors under Title 18 (relating to crimes and offenses)
- Misdemeanors requiring registration in the sex offender registry
- Misdemeanors of the second degree relating to simple assault, false imprisonment, indecent exposure, theft, bad checks, access device fraud, intimidation of witnesses or victims, escape, flight to avoid apprehension, criminal gang members, abuse of corpse, cruelty to animals, and prostitution

No eligible offender shall be released from confinement or probation or parole without the collection of the DNA sample and fingerprints, unless the offense is a first-degree misdemeanor under Titles 18 or 75 or a second-degree misdemeanor enumerated in the definition of “other specified offenses.” Acceptance into an ARD program as a result of an eligible conviction must be conditioned on the collection of a DNA sample. Acceptance of supervision of an offender from another jurisdiction must be conditioned on the collection of a DNA sample and fingerprints if the offender has a past or present conviction or adjudication that is equivalent to an eligible offense, as determined by the Board of Probation and Parole.

DNA Analysis

The State Police shall promulgate, as necessary, rules, regulations, and guidelines relating to the collection, submission, identification, analysis, storage, and disposition of DNA samples.

Expungement

The DNA sample and records shall be destroyed if the offender submits a written request to the State Police based on a mistaken inclusion in the data base or if such destruction is ordered by a court.

EFFECTIVE DATE: This bill is effective in 180 days, except the inclusion of first-degree misdemeanors under Titles 18 and 75 and misdemeanors requiring registration in the sex offender registry. These offenses will be included on December 1, 2019.

BILL HISTORY:

None.

Prepared by: Cawley 4/21/2017