

FIRST REGULAR SESSION

# HOUSE BILL NO. 440

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BOUCHER AND LUETKENHAUS (Co-sponsors).

Read 1<sup>st</sup> time January 18, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1203L.011

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### AN ACT

To repeal section 650.055, RSMo 2000, relating to persons required to submit DNA samples for the state DNA profiling system, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 650.055, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 650.055, to read as follows:

650.055. 1. Every [individual] **adult convicted of a felony and every juvenile certified as an adult and convicted of a felony which is defined as a violent offense pursuant to chapter 565, RSMo, or as a sex offense pursuant to chapter 565, RSMo, or as a sex offense pursuant to chapter 566, RSMo** in a Missouri circuit court[, of a felony, defined as a violent offense under chapter 565, RSMo, or as a sex offense under chapter 566, RSMo, excluding sections 566.010 and 566.020,] RSMo, shall have a blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis:

- (1) Upon entering the department of correction's reception and diagnostic centers; or
- (2) Before release from a county jail or detention facility; [or]
- (3) If such individual is under the jurisdiction of the department of corrections on or after August 28, 1996. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo; **or**
- (4) **On or after August 28, 2001, upon conviction.**

2. The Missouri state highway patrol and department of corrections shall be responsible

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to  
17 this section shall be required to provide such sample, without the right of refusal, at a collection  
18 site designated by the Missouri state highway patrol and the department of corrections.  
19 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any  
20 civil or criminal action when the act is performed in a reasonable manner. Such force may be  
21 used as necessary to the effectual carrying out and application of such processes and operations.  
22 The enforcement of these provisions by the authorities in charge of state correctional institutions  
23 and others having custody of those convicted of the felony which shall not be set aside or  
24 reversed, is hereby made mandatory.

25         3. The procedure and rules for the collection, analysis, storage, expungement, use of  
26 DNA database records and privacy concerns shall not conflict with procedures and rules  
27 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA  
28 data bank system.

29         4. Unauthorized uses or dissemination of individually identifiable DNA information in  
30 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

31         5. Implementation of section 650.050 and this section shall be subject to future  
32 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of  
33 Investigation's DNA data bank system.