

Senate Bill 482

By: Senators Kemp of the 3rd, Blich of the 7th, Reed of the 35th and Meyer von Bremen of the 12th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 24-4-60 of the Official Code of Georgia Annotated, relating to
2 requirements for DNA analysis of blood of persons convicted of certain sex offenses and
3 storage of the profile in the data bank, so as to change certain provisions relating to the
4 applicability of the testing procedures to certain persons; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Code Section 24-4-60 of the Official Code of Georgia Annotated, relating to requirements
9 for DNA analysis of blood of persons convicted of certain sex offenses and storage of the
10 profile in the data bank, is amended by striking the Code section and inserting in lieu thereof
11 the following:

12 "24-4-60.

13 Any person convicted of a criminal offense defined in Code Section 16-6-1, relating to the
14 offense of rape; Code Section 16-6-2, relating to the offense of sodomy or aggravated
15 sodomy; Code Section 16-6-3, relating to the offense of statutory rape; Code Section
16 16-6-4, relating to the offense of child molestation or aggravated child molestation; Code
17 Section 16-6-5, relating to the offense of enticing a child for indecent purposes; Code
18 Section 16-6-5.1, relating to the offense of sexual assault against persons in custody, sexual
19 assault against a person detained or a patient in a hospital or other institution, or sexual
20 assault by a practitioner of psychotherapy against a patient; Code Section 16-6-6, relating
21 to the offense of bestiality; Code Section 16-6-7, relating to the offense of necrophilia; or
22 Code Section 16-6-22, relating to the offense of incest, shall have a sample of his or her
23 blood, an oral swab, or a sample obtained from a noninvasive procedure taken for DNA
24 (deoxyribonucleic acid) analysis to determine identification characteristics specific to the
25 person. In addition, on and after July 1, 2000, any person convicted of a felony and
26 incarcerated in a state correctional facility shall at the time of entering the prison system

1 have a sample of his or her blood, an oral swab, or a sample obtained from a noninvasive
2 procedure taken for DNA (deoxyribonucleic acid) analysis to determine identification
3 characteristics specific to the person. The provisions and requirements of this Code section
4 shall also apply to any person who has been convicted of a felony prior to July 1, 2000, and
5 who currently is incarcerated in a state correctional facility in this state for such offense ~~but~~
6 ~~only when such a person is to be released from the state correctional facility.~~ The
7 provisions and requirements of this Code section shall also apply to any person who has
8 been convicted of a felony in this state on or after July 1, 2000, and who is incarcerated in
9 a private correctional facility in this state for such offense pursuant to a contract with the
10 Department of Corrections upon entering the facility, and for any person convicted of a
11 felony prior to July 1, 2000, and who is incarcerated in a private correctional facility in this
12 state pursuant to contract with the Department of Corrections, ~~upon release.~~ The analysis
13 shall be performed by the Division of Forensic Sciences of the Georgia Bureau of
14 Investigation. The division shall be authorized to contract with individuals or organizations
15 for services to perform such analysis. The identification characteristics of the profile
16 resulting from the DNA analysis shall be stored and maintained by the bureau in a DNA
17 data bank and shall be made available only as provided in Code Section 24-4-63. For the
18 purposes of this Code section, the term 'state correctional facility' means a penal institution
19 under the jurisdiction of the Department of Corrections, including inmate work camps and
20 inmate boot camps; provided, however, that such term shall not include a probation
21 detention center, probation diversion center, or probation boot camp under the jurisdiction
22 of the Department of Corrections."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed