

House Bill 314

By: Representatives Neal of the 1st, Ralston of the 7th, Day of the 163rd, Coan of the 101st, Fleming of the 117th, and others

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 requirement for DNA analysis of blood of persons convicted of certain sex offenses or
3 convicted of a felony and incarcerated in a state correctional facility, so as to provide for
4 DNA analysis of persons convicted of certain felonies and sexual offenses who are placed
5 on probation; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Code Section 24-4-60 of the Official Code of Georgia Annotated, relating to requirement for
10 DNA analysis of blood of persons convicted of certain sex offenses or convicted of a felony
11 and incarcerated in a state correctional facility, is revised as follows:

12 "24-4-60.

13 (a) As used in subsection (b) of this Code section, the term 'state correctional facility'
14 means a penal institution under the jurisdiction of the Department of Corrections, including
15 inmate work camps and inmate boot camps; provided, however, that such term shall not
16 include a probation detention center, probation diversion center, or probation boot camp
17 under the jurisdiction of the Department of Corrections.

18 (b) Any person convicted of a criminal offense defined in Code Section 16-6-1, relating
19 to the offense of rape; Code Section 16-6-2, relating to the offense of sodomy or
20 aggravated sodomy; Code Section 16-6-3, relating to the offense of statutory rape; Code
21 Section 16-6-4, relating to the offense of child molestation or aggravated child molestation;
22 Code Section 16-6-5, relating to the offense of enticing a child for indecent purposes; Code
23 Section 16-6-5.1, relating to the offense of sexual assault against persons in custody, sexual
24 assault against a person detained or a patient in a hospital or other institution, or sexual
25 assault by a practitioner of psychotherapy against a patient; Code Section 16-6-6, relating
26 to the offense of bestiality; Code Section 16-6-7, relating to the offense of necrophilia; or

1 Code Section 16-6-22, relating to the offense of incest, shall have a sample of his or her
2 blood, an oral swab, or a sample obtained from a noninvasive procedure taken for DNA
3 (deoxyribonucleic acid) analysis to determine identification characteristics specific to the
4 person. In addition, on and after July 1, 2000, any person convicted of a felony and
5 incarcerated in a state correctional facility shall at the time of entering the prison system
6 have a sample of his or her blood, an oral swab, or a sample obtained from a noninvasive
7 procedure taken for DNA (deoxyribonucleic acid) analysis to determine identification
8 characteristics specific to the person. The provisions and requirements of this Code section
9 shall also apply to any person who has been convicted of a felony prior to July 1, 2000, and
10 who currently is incarcerated in a state correctional facility in this state for such offense.
11 The provisions and requirements of this Code section shall also apply to any person who
12 has been convicted of a felony in this state on or after July 1, 2000, and who is incarcerated
13 in a private correctional facility in this state for such offense pursuant to a contract with the
14 Department of Corrections upon entering the facility, and for any person convicted of a
15 felony prior to July 1, 2000, and who is incarcerated in a private correctional facility in this
16 state pursuant to contract with the Department of Corrections. The analysis shall be
17 performed by the Division of Forensic Sciences of the Georgia Bureau of Investigation.
18 The division shall be authorized to contract with individuals or organizations for services
19 to perform such analysis. The identification characteristics of the profile resulting from the
20 DNA analysis shall be stored and maintained by the bureau in a DNA data bank and shall
21 be made available only as provided in Code Section 24-4-63.

22 (c)(1) On and after July 1, 2007, any person convicted of a felony or any of the sexual
23 offenses set forth in paragraph (3) of this subsection who is placed on probation shall
24 have a sample of his or her blood, an oral swab, or a sample obtained from a noninvasive
25 procedure taken for DNA (deoxyribonucleic acid) analysis to determine identification
26 characteristics specific to the person.

27 (2) The analysis shall be performed by the Division of Forensic Sciences of the Georgia
28 Bureau of Investigation. The division shall be authorized to contract with individuals or
29 organizations for services to perform such analysis. The identification characteristics of
30 the profile resulting from the DNA analysis shall be stored and maintained by the bureau
31 in a DNA data bank and shall be made available only as provided in Code Section
32 24-4-63. The Department of Corrections shall be responsible for collecting such sample.

33 (3) A person is subject to the provisions of this subsection if convicted of the following
34 felony or sexual offenses: sexual offenses enumerated in subsection (b) of this Code
35 section; Chapter 5 of Title 16, relating to crimes against persons; Code Section 16-7-1,
36 relating to the offense of burglary; Code Section 16-8-40, relating to the offense of
37 robbery; Code Section 16-8-41, relating to the offense of armed robbery; Code Section

1 16-10-23, relating to the offense of impersonating an officer; Code Section 16-10-24,
2 relating to the offense of obstruction of an officer; Article 4 of Chapter 11 of Title 16,
3 relating to dangerous instrumentalities and practices; and Chapter 13 of Title 16, relating
4 to controlled substances."

5 **SECTION 2.**

6 This Act shall become effective on July 1, 2007.

7 **SECTION 3.**

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