

House Bill 314 (AS PASSED HOUSE AND SENATE)

By: Representatives Neal of the 1<sup>st</sup>, Ralston of the 7<sup>th</sup>, Day of the 163<sup>rd</sup>, Coan of the 101<sup>st</sup>, Fleming of the 117<sup>th</sup>, 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 an effective date; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **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 who is placed on probation shall have a  
23 sample of his or her blood, an oral swab, or a sample obtained from a noninvasive  
24 procedure taken for DNA (deoxyribonucleic acid) analysis to determine identification  
25 characteristics specific to the person if such person is convicted of a felony violation of  
26 any of the following:

27 (A) Chapter 5 of Title 16, relating to crimes against persons;

28 (B) Code Section 16-6-1, relating to the offense of rape;

29 (C) Code Section 16-6-2, relating to the offense of sodomy or aggravated sodomy;

30 (D) Code Section 16-6-3, relating to the offense of statutory rape;

31 (E) Code Section 16-6-4, relating to the offense of child molestation or aggravated  
32 child molestation;

33 (F) Code Section 16-6-5, relating to the offense of enticing a child for indecent  
34 purposes;

35 (G) Code Section 16-6-5.1, relating to the offense of sexual assault against persons in  
36 custody, sexual assault against a person detained or a patient in a hospital or other  
37 institution, or sexual assault by a practitioner of psychotherapy against a patient;

1 (H) Code Section 16-6-6, relating to the offense of bestiality;

2 (I) Code Section 16-6-7, relating to the offense of necrophilia;

3 (J) Code Section 16-6-22, relating to the offense of incest;

4 (K) Code Section 16-7-1, relating to the offense of burglary;

5 (L) Code Section 16-8-40, relating to the offense of robbery;

6 (M) Code Section 16-8-41, relating to the offense of armed robbery;

7 (N) Code Section 16-10-23, relating to the offense of impersonating an officer;

8 (O) Code Section 16-10-24, relating to the offense of obstruction of an officer;

9 (P) Article 4 of Chapter 11 of Title 16, relating to dangerous instrumentalities and  
 10 practices; and

11 (Q) Chapter 13 of Title 16, relating to controlled substances.

12 (2) The analysis shall be performed by the Division of Forensic Sciences of the Georgia  
 13 Bureau of Investigation. The division shall be authorized to contract with individuals or  
 14 organizations for services to perform such analysis. The identification characteristics of  
 15 the profile resulting from the DNA analysis shall be stored and maintained by the bureau  
 16 in a DNA data bank and shall be made available only as provided in Code Section  
 17 24-4-63. The Department of Corrections shall be responsible for collecting such sample."

18 **SECTION 2.**

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

20 **SECTION 3.**

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