

## HOUSE SUBSTITUTE TO SENATE BILL 430

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 24-4-63 of the Official Code of Georgia Annotated, relating to  
2 dissemination of DNA information in data bank to law enforcement officials, request for  
3 search, separate statistical data base authorized, and fee for search and comparative analysis,  
4 so as to provide that the Georgia Bureau of Investigation may compare such information to  
5 samples collected from evidentiary materials; to provide an effective date; 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 24-4-63 of the Official Code of Georgia Annotated, relating to dissemination  
10 of DNA information in data bank to law enforcement officials, request for search, separate  
11 statistical data base authorized, and fee for search and comparative analysis, is amended by  
12 adding a new subsection to read as follows:

13 "(a.1) The bureau may compare a DNA profile obtained from the analysis of a sample  
14 lawfully obtained from a suspect who has been arrested for a felony offense to DNA  
15 profiles obtained from samples collected from evidentiary materials. A suspect whose  
16 DNA profile is obtained pursuant to this subsection and who was:

17 (1) Arrested for an offense under the laws of this state but subsequent to such arrest is  
18 released by the arresting agency without such offense being referred to the prosecuting  
19 attorney for prosecution;

20 (2) After such offense referred to the proper prosecuting attorney, and the prosecuting  
21 attorney dismisses the charges without seeking an indictment or filing an accusation;

22 (3) Found not guilty of the charges by a judge or jury; or

23 (4) Convicted of an offense, but such conviction was reversed by an appellate court,  
24 which decision has been made final, and the prosecuting attorney has elected not to  
25 pursue the charges further may request, in writing, the bureau to remove the suspect's  
26 DNA profile from the data base if it is not otherwise lawfully within such data base.

1 Such request shall be in such form as the bureau shall prescribe. The prosecuting  
2 attorney shall notify the bureau of the disposition of charges as provided in paragraphs  
3 (2) through (4) of this subsection and the arresting agency shall notify the bureau of the  
4 disposition of charges as provided in paragraph (1) of this subsection. The bureau shall  
5 remove the suspect's DNA profile upon receipt of notification by the appropriate  
6 authority and request by the suspect.

7 (a.2) Nothing in this code section shall prevent a DNA sample to be obtained pursuant to  
8 a lawfully obtained search warrant."

9 **SECTION 2.**

10 This Act shall become effective upon its approval by the Governor or upon its becoming law  
11 without such approval.

12 **SECTION 3.**

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