

Senate Bill 80

By: Senators McKoon of the 29th, Bethel of the 54th, Cowser of the 46th, Gooch of the 51st, Albers of the 56th 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 arrested for felony offenses; to provide for related matters; to repeal
5 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 requirement for
9 DNA analysis of blood of persons convicted of certain sex offenses or convicted of a felony
10 and incarcerated in a state correctional facility, is amended by adding two new subsections
11 to read as follows:

12 “(d)(1) On and after July 1, 2011, any person who is arrested for a felony offense shall
13 have a sample of his or her blood, an oral swab, or a sample obtained from a noninvasive
14 procedure taken for DNA (deoxyribonucleic acid) analysis to determine identification
15 characteristics specific to the person.

16 (2) After a determination by a magistrate or a grand jury that probable cause exists for
17 the arrest, but prior to the person's release from custody, the arresting law enforcement
18 agency shall be responsible for collecting such sample in accordance with rules and
19 regulations established by the Division of Forensic Sciences of the Georgia Bureau of
20 Investigation. The court or magistrate shall make the provision of a specimen a condition
21 of the person's release on bond or recognizance if bond or recognizance is granted.

22 (3) The analysis shall be performed by the Division of Forensic Sciences of the Georgia
23 Bureau of Investigation. The Division of Forensic Sciences of the Georgia Bureau of
24 Investigation shall be authorized to contract with individuals or organizations for services
25 to perform such analysis. The identification characteristics of the profile resulting from
26 the DNA analysis shall be stored and maintained by the Georgia Bureau of Investigation

27 in a DNA data bank and shall be made available only as provided in Code Section
28 24-4-63.

29 (4) A person whose DNA profile has been included in the data bank pursuant to
30 paragraph (3) of this subsection may request that it be expunged on the grounds that the
31 person was acquitted or the charges for which the sample was taken were dead docketed,
32 dismissed, or reduced to a misdemeanor. The Georgia Bureau of Investigation shall
33 purge all records and identifiable information in the data bank pertaining to such person
34 and destroy all samples from such person upon receipt of a written request that such data
35 be expunged, pursuant to this paragraph, and a certified copy of the (A) court order dead
36 docketing or dismissing the charges, (B) sentencing order showing the charges were
37 reduced to a misdemeanor, or (C) court order reversing and dismissing the conviction;
38 provided, however, that the Georgia Bureau of Investigation shall verify that there is no
39 other pending qualifying warrant for arrest or conviction that would otherwise require
40 that the sample remain in the data bank.

41 (e) A person whose DNA profile has been included in the data bank pursuant to subsection
42 (d) of this Code section shall not be required to have his or her DNA collected pursuant to
43 subsection (b) or (c) of this Code section."

44 **SECTION 2.**

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