

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1514 Session of
2011

INTRODUCED BY MURT, BOYD, CLYMER, D. COSTA, DONATUCCI, FARRY,
GEIST, GINGRICH, GROVE, W. KELLER, MCGEEHAN, MOUL, PETRI,
READSHAW, REICHLEY, STERN, STURLA AND VULAKOVICH,
MAY 10, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MAY 10, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 relating to criminal proceedings, requiring saliva or tissue
4 sample for DNA analysis after arrest for violent offense; and
5 providing for DNA data bank exchange.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding sections to read:

10 § 8704. Saliva or tissue sample required for DNA analysis after
11 arrest for violent offense.

12 (a) Procedure.--

13 (1) A person arrested for a violent offense shall have a
14 sample of his saliva or tissue taken for DNA
15 (deoxyribonucleic acid) analysis to determine identification
16 characteristics specific to the person.

17 (2) After a determination by a court that probable cause
18 exists for the arrest, a sample shall be taken prior to the

1 person's release from custody.

2 (3) The analysis shall be performed by the Pennsylvania
3 State Police or other entity designated by the Commissioner
4 of Pennsylvania State Police.

5 (4) The Pennsylvania State Police shall store and
6 maintain the identification characteristics of the profile
7 resulting from the DNA analysis in a DNA data bank and shall
8 make identification characteristics available as provided in
9 section 8705 (relating to DNA data bank exchange).

10 (b) Notice of final disposition of the criminal
11 proceedings.--

12 (1) The clerk of courts shall notify the Pennsylvania
13 State Police of the final disposition of the criminal
14 proceedings involving a person subject to subsection (a). The
15 notice shall occur within 60 days of the final disposition.

16 (2) If the charge for which the sample was taken under
17 subsection (a) is dismissed or the defendant is acquitted at
18 trial, the Pennsylvania State Police shall destroy the sample
19 and all records thereof, provided there is no other pending
20 arrest or felony conviction that would otherwise require that
21 the sample remain in the data bank.

22 (c) Definition.--As used in this section "violent offense"
23 means an offense under Title 18 (relating to crimes and
24 offenses), including an attempt, conspiracy or solicitation to
25 commit any such offense, which is punishable by imprisonment of
26 more than one year and involves an act dangerous to human life
27 or property.

28 § 8705. DNA data bank exchange.

29 (a) Duties of Pennsylvania State Police.--

30 (1) The Pennsylvania State Police shall receive blood,

1 saliva or tissue samples and shall analyze, classify and file
2 the results of DNA identification characteristics profiles of
3 blood, saliva or tissue samples submitted under section 8704
4 (relating to saliva or tissue sample required for DNA
5 analysis after arrest for violent offense) and shall make
6 such information available as provided in this section.

7 (2) The results of an analysis and comparison of the
8 identification characteristics from two or more blood, saliva
9 or tissue samples shall be made available directly to
10 Federal, State and local law enforcement officers upon
11 request made in furtherance of an official investigation of
12 any criminal offense.

13 (3) (i) The Pennsylvania State Police shall confirm
14 whether there is a DNA profile on file for a specific
15 individual if a Federal, State or local law-enforcement
16 officer requests that information in furtherance of an
17 official investigation of any criminal offense.

18 (ii) The request for information may be made by
19 personal contact, mail or electronic means. The name of
20 the requester and the purpose for which the information
21 is requested shall be maintained on file with the
22 Pennsylvania State Police.

23 (4) The Pennsylvania State Police shall specify the
24 positions in that agency which require regular access to the
25 data bank and samples submitted as a necessary function of
26 the job.

27 (5) The Pennsylvania State Police shall create a
28 separate statistical database comprised of DNA profiles of
29 blood, saliva or tissue samples of persons whose identities
30 are unknown.

1 (b) Copy of request for information to be submitted to
2 person charged.--At his request, a copy of the request for
3 search shall be furnished to any person identified and charged
4 with an offense as the result of a search of information in the
5 data bank.

6 (c) Fees.--The Pennsylvania State Police may charge a
7 reasonable fee to search and provide a comparative analysis of
8 DNA profiles in the data bank to any authorized law enforcement
9 agency outside this Commonwealth.

10 (d) Regulations.--The Pennsylvania State Police shall
11 promulgate regulations governing:

12 (1) The methods of obtaining information from the data
13 bank in accordance with this section.

14 (2) Procedures for verification of the identity and
15 authority of a requester seeking information under this
16 section.

17 (e) Construction.--Nothing in this section shall be
18 construed to prohibit the Pennsylvania State Police from sharing
19 or otherwise disseminating the information in the statistical
20 database with law enforcement or criminal justice agencies
21 within or without this Commonwealth.

22 Section 2. This act shall take effect in 60 days.