

June 17, 2002

H 1738. DNA BANK/DNA ANALYSIS FEE. *TO PROVIDE THAT A PERSON ARRESTED OR COMMITTED TO A DETENTION FACILITY FOR CERTAIN FELONIES MUST SUBMIT A DNA SAMPLE FOR ANALYSIS, TO ASSESS A FEE FOR THE WITHDRAWAL OF THE SAMPLE, AND TO PROVIDE THAT THE SAMPLE AND ALL RECORDS OF THE SAMPLE AND DNA ANALYSIS MUST BE DESTROYED IF THE CHARGE AGAINST THE DEFENDANT IS DISMISSED OR THE DEFENDANT IS ACQUITTED.* GS 15A-266.4 requires a person convicted of the crimes listed in that section to provide a DNA sample. Act adds new sections to Art. 13, GS Ch. 15A to require a person arrested or committed to a detention facility for the commission of a crime listed in GS 15A-266.4A to provide a DNA sample after a magistrate determines that probable cause exists for the arrest or detention. Requires clerk of the court to notify SBI of final disposition of criminal proceedings, and if charge is dismissed or defendant acquitted, then sample and records of sample must be destroyed. Sets out procedures for taking and handling sample. Allows liability for negligence in taking of sample. Sets fee of \$25 for the withdrawal of sample. Fee must be assessed as part of the costs of the criminal case resulting in the felony conviction; one-half of fee goes to general funds of the locality where sample was taken and one-half into the General Fund. Amends GS 7A-304(a) accordingly. Effective Dec. 1, 2002, and applies to offenses committed on or after that date.

Intro. by Baddour.

Ref. to Judiciary II	GS 7A, 15A
----------------------	------------