

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to the state DNA database.

PETITION OF:

NAME:

Thomas M. Menino

DISTRICT/ADDRESS:

Mayor of Boston

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO THE STATE DNA DATABASE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 22E of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following two sentences:--

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5 Any person, including a juvenile offender treated as an adult, who is arrested for a felony or
6 other specified offense punishable by imprisonment in the state prison, including an attempt,
7 conspiracy, criminal solicitation, or accessory after the fact of such offenses on or after
8 December 31, 2009, shall have a DNA sample drawn or taken at the same time such person is
9 fingerprinted pursuant to the booking procedure. If for any reason a person is convicted of a
10 felony and has not submitted his/her DNA that person shall submit a DNA sample to the
11 department within 1 year of such conviction or adjudication or, if incarcerated, before release
12 from custody, whichever occurs first.

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14 SECTION 2. Section 3 of chapter 22E of the General Laws, as so appearing, is hereby amended
15 by adding the following phrase after the second sentence which begins, "The sample shall be
16 collected by a person,": --

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18 "designated by the department or the arresting law enforcement agency and"

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21 SECTION 3. Section 4(b) of chapter 22E of the General Laws, as so appearing, is hereby
22 amended by adding the following sentence to the end of the paragraph:--

23 "A portion of the assessment shall be shared by the department and the arresting law
24 enforcement agency to offset the cost associated with collecting and transferring the arrestee
25 sample to state custody for updating, maintaining, and administering the state DNA database."

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