

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

Act 218 of 2001  
HOUSE BILL 1376

5 By: Representative Hunt  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 12-12-1109 TO ADD  
10 RESIDENTIAL AND COMMERCIAL BURGLARY TO THOSE OFFENSES  
11 WHICH REQUIRE A DNA SAMPLE; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO AMEND ARKANSAS CODE 12-12-1109  
14 TO ADD RESIDENTIAL AND COMMERCIAL  
15 BURGLARY TO THOSE OFFENSES WHICH REQUIRE  
16 A DNA SAMPLE.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 12-12-1109, concerning DNA samples is amended  
23 to read as follows:

24 12-12-1109. DNA sample required upon adjudication of guilt.

25 (a) Adjudication of guilt after August 1, 1997. A person who is  
26 adjudicated guilty or adjudicated delinquent for a sex offense, a violent  
27 offense, residential or commercial burglary, or a repeat offense on or after  
28 August 1, 1997, shall have a deoxyribonucleic acid (DNA) sample drawn as  
29 follows:

30 (1)(A) A person who is adjudicated guilty or adjudicated  
31 delinquent for a sex offense, a violent offense, residential or commercial  
32 burglary, or a repeat offense and sentenced to a term of confinement for that  
33 sex offense, violent offense, residential or commercial burglary, or repeat  
34 offense shall have a deoxyribonucleic acid (DNA) sample drawn upon intake to a  
35 prison, jail, juvenile detention facility, or any other detention facility or  
36 institution.

1 (B) If the person is already confined at the time of  
 2 sentencing, the person shall have a deoxyribonucleic acid (DNA) sample drawn  
 3 immediately after the sentencing.

4 (2) A person who is adjudicated guilty or adjudicated delinquent  
 5 for a sex offense, a violent offense, residential or commercial burglary, or a  
 6 repeat offense shall have a deoxyribonucleic acid (DNA) sample drawn as a  
 7 condition of any sentence in which disposition will not involve an intake into  
 8 a prison, jail, juvenile detention facility, or any other detention facility  
 9 or institution;

10 (3) A person who is acquitted on the grounds of mental disease or  
 11 defect of the commission of a sex offense, a violent offense, residential or  
 12 commercial burglary, or a repeat offense and committed to an institution or  
 13 other facility shall have a deoxyribonucleic acid (DNA) sample drawn upon  
 14 intake to that institution or other facility; and

15 (4) Under no circumstance shall a person who is adjudicated  
 16 guilty or adjudicated delinquent for a sex offense, a violent offense,  
 17 residential or commercial burglary, or a repeat offense be released in any  
 18 manner after such disposition unless and until a deoxyribonucleic acid (DNA)  
 19 sample has been drawn.

20 (b) Adjudication of guilt before August 1, 1997. A person who has been  
 21 adjudicated guilty or adjudicated delinquent for a sex offense, a violent  
 22 offense, residential or commercial burglary, or a repeat offense before August  
 23 1, 1997, and who is still serving a term of confinement in connection  
 24 therewith on August 1, 1997, shall not be released in any manner prior to the  
 25 expiration of his maximum term of confinement unless and until a  
 26 deoxyribonucleic acid (DNA) sample has been drawn.

27 (c) Supervision of deoxyribonucleic acid (DNA) samples. All  
 28 deoxyribonucleic acid (DNA) samples taken pursuant to this section shall be  
 29 taken in accordance with regulations promulgated by the State Crime Laboratory  
 30 in consultation with the Department of Correction, the Department of Community  
 31 Punishment, the Department of Human Services, and the Administrative Office of  
 32 the Courts.

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 35 APPROVED: 2/12/2001  
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