

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 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

HOUSE BILL 1074

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

9 AN ACT TO REQUIRE DNA SAMPLING OF PERSONS  
10 CONVICTED OF FELONY OFFENSES RESULTING IN  
11 CONFINEMENT; AND FOR OTHER PURPOSES.  
12

## Subtitle

14 TO REQUIRE DNA SAMPLING OF PERSONS  
15 CONVICTED OF FELONY OFFENSES RESULTING  
16 IN CONFINEMENT.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 12-12-1109 is amended to read as follows:  
22 12-12-1109. DNA sample required upon adjudication of guilt.

23 (a) Adjudication of guilt. A person who is adjudicated guilty or  
24 adjudicated delinquent for a sex offense, a violent offense, a residential or  
25 commercial burglary under § 5-39-201 (a) or (b), any felony offense resulting  
26 in a term of confinement, or a repeat offense on or after August 1, ~~1997~~  
27 2003, shall have a deoxyribonucleic acid (DNA) sample drawn as follows:

28 (1)(A) A person who is adjudicated guilty or adjudicated  
29 delinquent for a sex offense, a violent offense, a residential or commercial  
30 burglary under § 5-39-201(a) or (b), any felony offense, or a repeat offense  
31 and sentenced to a term of confinement for that sex offense, violent offense,  
32 residential or commercial burglary under § 5-39-201(a) or (b), felony  
33 offense, or repeat offense shall have a deoxyribonucleic acid (DNA) sample  
34 drawn upon intake to a prison, jail, juvenile detention facility, or any  
35 other detention facility or institution.

36 (B) If the person is already confined at the time of



1 sentencing, the person shall have a deoxyribonucleic acid (DNA) sample drawn  
 2 immediately after the sentencing;

3 (2) A person who is adjudicated guilty or adjudicated delinquent  
 4 for a sex offense, a violent offense, a residential or commercial burglary  
 5 under § 5-39-201(a) or (b), or a repeat offense shall have a deoxyribonucleic  
 6 acid (DNA) sample drawn as a condition of any sentence in which disposition  
 7 will not involve an intake into a prison, jail, juvenile detention facility,  
 8 or any other detention facility or institution;

9 (3) A person who is acquitted on the grounds of mental disease  
 10 or defect of the commission of a sex offense, a violent offense, a  
 11 residential or commercial burglary under § 5-39-201(a) or (b), or a repeat  
 12 offense and committed to an institution or other facility shall have a  
 13 deoxyribonucleic acid (DNA) sample drawn upon intake to that institution or  
 14 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, a  
 17 residential or commercial burglary under § 5-39-201(a) or (b), any felony  
 18 offense resulting in a term of confinement, or a repeat offense be released  
 19 in any manner after such disposition unless and until a deoxyribonucleic acid  
 20 (DNA) sample has been drawn.

21 (b) Adjudication of guilt before August 1, ~~1997~~ 2003. A person who  
 22 has been adjudicated guilty or adjudicated delinquent for a sex offense, a  
 23 violent offense, a residential or commercial burglary under § 5-39-201(a) or  
 24 (b), any felony offense, or a repeat offense before August 1, ~~1997~~ 2003, and  
 25 who is still serving a term of confinement in connection therewith on August  
 26 1, ~~1997~~ 2003, shall not be released in any manner prior to the expiration of  
 27 his maximum term of confinement unless and until a deoxyribonucleic acid  
 28 (DNA) sample has been drawn.

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

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