

**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.**

INTERIM STUDY PROPOSAL 2007-099

1  
2 State of Arkansas  
3 86th General Assembly  
4 Regular Session, 2007

**A Bill**

HOUSE BILL 2755

5  
6 By: Representative E. Brown

7 Referred to  
8 Judiciary Committee- House  
9 by the House of Representatives  
10 on 03/12/2007  
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12  
13 **For An Act To Be Entitled**

14 AN ACT TO REQUIRE DEOXYRIBONUCLEIC ACID (DNA)  
15 SAMPLES FROM PERSONS ADJUDICATED GUILTY OF  
16 QUALIFYING OFFENSES WHO ARE PLACED ON PROBATION  
17 OR RECEIVE SUSPENDED SENTENCES; AND FOR OTHER  
18 PURPOSES.

19  
20 **Subtitle**

21 TO REQUIRE DEOXYRIBONUCLEIC ACID (DNA)  
22 SAMPLES FROM PERSONS ADJUDICATED GUILTY  
23 OF QUALIFYING OFFENSES WHO ARE PLACED ON  
24 PROBATION OR RECEIVE SUSPENDED  
25 SENTENCES.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 12-12-1109(a), concerning deoxyribonucleic  
31 acid (DNA) samples, is amended to read as follows:

32 (a) A person who is adjudicated guilty for a qualifying offense on or  
33 after August 1, 1997, shall have a deoxyribonucleic acid (DNA) sample drawn  
34 as follows:

35 (1)(A) A person who is adjudicated guilty for a qualifying  
36 offense and sentenced to a term of confinement for that qualifying offense

1 shall have a deoxyribonucleic acid (DNA) sample drawn upon intake to a  
2 prison, jail, or any other detention facility or institution.

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

6 (C) If the person is placed on probation or given a  
7 suspended sentence, the person shall have a deoxyribonucleic acid (DNA)  
8 sample drawn immediately after the court places the person on probation or  
9 suspends the person's sentence;

10 (2)(A) A person who is adjudicated guilty for a qualifying  
11 offense shall have a deoxyribonucleic acid (DNA) sample drawn as a condition  
12 of any sentence in which disposition will not involve an intake into a  
13 prison, jail, or any other detention facility or institution.

14 (B) Unless otherwise ordered by the court, the agency  
15 supervising the convicted offender shall determine the time and collection of  
16 the deoxyribonucleic acid (DNA) sample;

17 (3) A person who is acquitted on the grounds of mental disease  
18 or defect of the commission of a qualifying offense and committed to an  
19 institution or other facility shall have a deoxyribonucleic acid (DNA) sample  
20 drawn upon intake to that institution or other facility; and

21 (4) Under no circumstance shall a person who is adjudicated  
22 guilty for a qualifying offense be released in any manner after this  
23 disposition unless a deoxyribonucleic acid (DNA) sample has been drawn.

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25 SECTION 2. Arkansas Code § 12-12-1118 is amended to read as follows:  
26 12-12-1118. Mandatory ~~cost~~ fee.

27 (a) Unless finding that undue hardship would result, the sentencing  
28 court shall assess at the time of sentencing a mandatory ~~fine~~ fee of not less  
29 than two hundred fifty dollars (\$250) on any person who is required to  
30 provide a deoxyribonucleic acid (DNA) sample under this subchapter.

31 (b) The ~~fine~~ fee provided in subsection (a) of this section and  
32 collected in circuit court, district court, city court, shall be remitted by  
33 the tenth day of each month to the Administration of Justice Fund Section of  
34 the Office of Administrative Services of the Department of Finance and  
35 Administration on a form provided by that office for deposit in the DNA  
36 Detection Fund as established by § 12-12-1119.

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