

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

As Engrossed: H3/26/01 H4/4/01

A Bill

HOUSE BILL 1259

5 By: Representatives Verkamp, Holt, Mack, Duggar
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For An Act To Be Entitled

9 AN ACT TO REQUIRE DNA SAMPLING OF ANY PERSON
10 CONVICTED OF ANY FELONY *OFFENSE RESULTING IN*
11 *INCARCERATION*; AND FOR OTHER PURPOSES.
12

Subtitle

13 TO REQUIRE DNA SAMPLING OF ANY PERSON
14 CONVICTED OF ANY FELONY *OFFENSE*
15 *RESULTING IN INCARCERATION*.
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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(a) and (b) are amended to read as
22 follows:

23 (a) Adjudication of guilt after August 1, ~~1997~~ 2001. A person who is
24 adjudicated guilty or adjudicated delinquent for a sex offense, a violent
25 offense, any felony offense resulting in incarceration, or a repeat offense on
26 or after August 1, 1997, shall have a deoxyribonucleic acid (DNA) sample drawn
27 as follows:

28 (1)(A) A person who is adjudicated guilty or adjudicated
29 delinquent for a sex offense, a violent offense, any felony offense resulting
30 in incarceration, or a repeat offense and sentenced to a term of confinement
31 for that sex offense, violent offense, any felony offense, or repeat offense
32 shall have a deoxyribonucleic acid (DNA) sample drawn upon intake to a prison,
33 jail, juvenile detention facility, or any other detention facility or
34 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, any felony offense resulting in
6 incarceration, or a repeat offense shall have a deoxyribonucleic acid (DNA)
7 sample drawn as a condition of any sentence in which disposition will not
8 involve an intake into a prison, jail, juvenile detention facility, or any
9 other detention facility 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, 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, or a
17 repeat offense be released in any manner after such disposition unless and
18 until a deoxyribonucleic acid (DNA) sample has been drawn.

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

26 /s/ Verkamp, et al.
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