

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

A Bill

HOUSE BILL 1376

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5 By: Representative Hunt
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For An Act To Be Entitled

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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.
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Subtitle

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14 AN ACT TO AMEND ARKANSAS CODE 12-12-1109
15 TO ADD RESIDENTIAL AND COMMERCIAL
16 BURGLARY TO THOSE OFFENSES WHICH REQUIRE
17 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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