

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1570

5 By: Representative E. Armstrong  
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## For An Act To Be Entitled

8 AN ACT TO CLARIFY THE REQUIREMENT FOR DRAWING DNA  
9 SAMPLES FROM JUVENILES ADJUDICATED DELINQUENT; AND  
10 FOR OTHER PURPOSES.  
11

## Subtitle

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13 TO CLARIFY THE REQUIREMENT FOR DRAWING  
14 DNA SAMPLES FROM JUVENILES ADJUDICATED  
15 DELINQUENT.  
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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 § 9-27-357(c)(1), concerning DNA samples, is  
22 amended to read as follows:

23 (c)(1) A Only a juvenile adjudicated delinquent for one (1) of the  
24 offenses listed in subsection (a) of this section shall have a  
25 deoxyribonucleic acid sample drawn upon intake at a juvenile detention  
26 facility or intake at a Division of Youth Services of the Department of Human  
27 Services facility.  
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29 SECTION 2. Arkansas Code § 12-12-1105(b), concerning the State DNA  
30 Data Base, is amended to read as follows:

31 (b) The data base shall have the capability provided by computer  
32 software and procedures administered by the laboratory to store and maintain  
33 DNA records related to:

- 34 (1) Crime scene evidence and forensic casework;  
35 (2) Convicted offenders and juveniles adjudicated delinquent who  
36 are required to provide a DNA sample under this subchapter;



1 (3) Offenders who were required to provide a DNA sample under  
 2 former § 12-12-1101 et seq.;

3 (4) Anonymous DNA records used for forensic validation, quality  
 4 control, or establishment of a population statistics database;

5 (5) Unidentified persons or body parts;

6 (6) Missing persons and biological relatives of missing persons;  
 7 ~~and~~

8 (7) Persons arrested for a felony offense who are required to  
 9 provide a DNA sample under § 12-12-1006; and

10 (8) Juveniles adjudicated delinquent who are required to provide  
 11 a DNA sample under § 9-27-357.

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 13 SECTION 3. Arkansas Code § 12-12-1109(a), concerning DNA sample  
 14 required upon adjudication of guilt, is amended to read as follows:

15 (a) A person who is adjudicated guilty for a qualifying offense on or  
 16 after August 1, 1997, or a juvenile who is adjudicated delinquent on or after  
 17 the effective date of this act, shall have a DNA sample drawn as follows:

18 (1)(A) A person who is adjudicated guilty for a qualifying  
 19 offense and sentenced to a term of confinement for that qualifying offense  
 20 shall have a DNA sample drawn upon intake to a prison, jail, or any other  
 21 detention facility or institution.

22 (B) If the person is already confined at the time of  
 23 sentencing, the person shall have a DNA sample drawn immediately after the  
 24 sentencing;

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

29 (B) Unless otherwise ordered by the court, the agency  
 30 supervising the convicted offender shall determine the time and collection of  
 31 the DNA sample;

32 (3) A juvenile who is adjudicated delinquent shall have a DNA  
 33 sample drawn when:

34 (A) A DNA sample is required under § 9-27-357; or

35 (B)(i) The juvenile is adjudicated delinquent for a  
 36 qualifying offense, is designated as an extended juvenile jurisdiction

1 offender, and is sentenced to an adult sentence of imprisonment under § 9-27-  
2 507.

3 (ii) The DNA sample shall be drawn upon intake to  
4 the adult prison, jail, or other detention facility or institution;

5 (4) A person who is acquitted on the grounds of mental disease  
6 or defect of the commission of a qualifying offense and committed to an  
7 institution or other facility shall have a DNA sample drawn upon intake to  
8 that institution or other facility; and

9 ~~(4)~~ (5) Under no circumstance shall a person who is adjudicated  
10 guilty for a qualifying offense be released in any manner after this  
11 disposition unless a DNA sample has been drawn.

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