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HOUSE BILL NO. 2274

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend and reenact § 19.2-310.2 of the Code of Virginia, relating to voluntary bone marrow donation by prisoners.

Patrons—Shuler and Keister

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-310.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-310.2. Blood, saliva or tissue sample required for DNA analysis upon conviction of a felony.

Every person convicted of a felony on or after July 1, 1990, and every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. The analysis shall be performed by the Division of Forensic Science, Department of Criminal Justice Services. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Division in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

After July 1, 1990, the blood, saliva or tissue sample shall be taken prior to release from custody.

Notwithstanding the provisions of § 53.1-159, any person convicted of a felony who is in custody after July 1, 1990, shall provide a blood, saliva or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement, shall provide a blood, saliva or tissue sample as a condition of such sentence.

Every person required under this section to provide a blood, saliva or tissue sample shall be given the opportunity to voluntarily provide a second sample for inclusion in the National Bone Marrow Registry. The procedures established under § 19.2-310.3 shall be followed for withdrawal of this second sample except that such sample shall be transmitted to the Registry in compliance with procedures established by the Registry for receiving such samples.

INTRODUCED

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