

2002 SESSION

INTRODUCED

021215253

HOUSE BILL NO. 892

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend the Code of Virginia by adding in Chapter 7 of Title 19.2 a section numbered 19.2-83.2, relating to DNA analysis of every person arrested for a violent felony.

Patrons—McDougle, Albo, Armstrong, Athey, Carrico, Cosgrove, Councill, Cox, Devolites, Drake, Howell, Johnson, Jones, S.C., Keister, Kilgore, Landes, Louderback, Marrs, Moran, Nixon, O'Bannon, Phillips, Reese, Reid, Rollison, Saxman, Sears, Stump and Weatherholtz

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 7 of Title 19.2 a section numbered 19.2-83.2 as follows:

§ 19.2-83.2. Blood, saliva or tissue sample required for DNA analysis upon arrest for a violent felony.

Every person arrested for a violent felony, as defined in § 19.2-297.1, 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 sample shall be taken prior to the person's release from custody. The analysis shall be performed by the Division of Forensic Science, Department of Criminal Justice Services or any other entity designated by the Division. 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.

If a court determines that any part of this section, or the application to any specific person or circumstance is unconstitutional, the remainder of this section and its application to other persons or circumstances not held unconstitutional is not affected.

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