

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-310.2:1 of the Code of Virginia, relating to DNA sampling for*
3 *certain attempted felonies.*

4
5 Approved

[H 776]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 § 19.2-310.2:1. Saliva or tissue sample required for DNA analysis after arrest for a violent felony.

9 Every person arrested for *the commission or attempted commission of* a violent felony as defined in
10 § 19.2-297.1 or a violation *or attempt to commit a violation* of §§ 18.2-89, 18.2-90, 18.2-91, or
11 § 18.2-92, shall have a sample of his saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to
12 determine identification characteristics specific to the person. After a determination by a magistrate or a
13 grand jury that probable cause exists for the arrest, a sample shall be taken prior to the person's release
14 from custody. The analysis shall be performed by the Division of Forensic Science or other entity
15 designated by the Division. The identification characteristics of the profile resulting from the DNA
16 analysis shall be stored and maintained by the Division in a DNA data bank and shall be made available
17 as provided in § 19.2-310.5.

18 The clerk of the court shall notify the Division of final disposition of the criminal proceedings. If the
19 charge for which the sample was taken is dismissed or the defendant is acquitted at trial, the Division
20 shall destroy the sample and all records thereof, provided there is no other pending qualifying warrant or
21 capias for an arrest or felony conviction that would otherwise require that the sample remain in the data
22 bank.

ENROLLED

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