

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 analysis for*
3 *persons arrested for capital murder or attempted capital murder.*

4 [S 579]

5 Approved

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 § 18.2-31, 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 Department of Forensic Science or other entity
15 designated by the Department. The identification characteristics of the profile resulting from the DNA
16 analysis shall be stored and maintained by the Department in a DNA data bank and shall be made
17 available as provided in § 19.2-310.5.

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

ENROLLED

SB579ER