

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 171

An Act to amend and reenact § 19.2-310.5 of the Code of Virginia, relating to DNA data bank; availability of information.

[S 1197]

Approved March 15, 2011

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-310.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-310.5. DNA data bank.

A. It shall be the duty of the Department to receive samples of human biological evidence and to analyze, classify, and file the results of DNA identification characteristics profiles of samples of human biological evidence submitted pursuant to § 19.2-310.2 or 19.2-310.2:1 and to make such information available as provided in this section. The results of an analysis and comparison of *evidence submitted to the Department pursuant to § 9.1-1101* to the identification characteristics ~~from two or more samples~~ of human biological evidence *so analyzed, classified, and filed* shall be made available directly to *duly-authorized members of federal, state, and local law-enforcement officers agencies, attorneys for the Commonwealth or attorneys for the United States Department of Justice, or the Office of the Chief Medical Examiner* upon request made in furtherance of an official investigation *or prosecution* of any criminal offense, or to an accused or his attorney pursuant to § 9.1-1104. The Department shall confirm whether or not there is a DNA profile on file for a specific individual if a federal, state or local law-enforcement officer requests that information in furtherance of an official investigation of any criminal offense. The name of the requestor and the purpose for which the information is requested shall be maintained on file with the Department.

B. The Department shall adopt regulations governing (i) the methods of obtaining information from the data bank in accordance with this section and (ii) procedures for verification of the identity and authority of the requestor. The Department shall specify the positions in that agency which require regular access to the data bank and samples submitted as a necessary function of the job.

C. The Department shall create a separate statistical data base comprised of DNA profiles of samples of human biological evidence of persons whose identity is unknown. Nothing in this section or § 19.2-310.6 shall prohibit the Department from sharing or otherwise disseminating the information in the statistical data base with law-enforcement or criminal justice agencies within or without the Commonwealth.

D. The Department may charge a reasonable fee to search and provide a comparative analysis of DNA profiles in the data bank to any authorized law-enforcement agency outside of the Commonwealth.