

1997 SESSION

INTRODUCED

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HOUSE BILL NO. 2830

Offered January 20, 1997

A BILL to amend and reenact § 19.2-310.3 of the Code of Virginia, relating to reimbursement of costs of withdrawal of blood sample for DNA analysis.

Patrons—Drake, Tata and Weatherholtz

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-310.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-310.3. Procedures for withdrawal of blood sample for DNA analysis.

Each sample required pursuant to § 19.2-310.2 from persons who are to be incarcerated shall be withdrawn at the receiving unit or at such other place as is designated by the Department of Corrections. The required samples from persons who are not sentenced to a term of confinement shall be withdrawn at a time and place specified by the sentencing court, *and the cost of withdrawing such samples shall be paid by the Commonwealth from the Criminal Fund.* Only a correctional health nurse technician or a physician, registered professional nurse, licensed practical nurse, graduate laboratory technician, or phlebotomist shall withdraw any sample to be submitted for analysis. No civil liability shall attach to any person authorized to withdraw blood as provided herein as a result of the act of withdrawing blood from any person submitting thereto, provided the blood was withdrawn according to recognized medical procedures. However, no person shall be relieved from liability for negligence in the withdrawing of any blood sample.

Chemically clean sterile disposable needles and vacuum draw tubes shall be used for all samples. The tube shall be sealed and labelled with the subject's name, social security number, date of birth, race and gender, the name of the person collecting the sample, the date and place of collection. The tubes shall be secured to prevent tampering with the contents. The steps herein set forth relating to the taking, handling, identification, and disposition of blood samples are procedural and not substantive. Substantial compliance therewith shall be deemed to be sufficient. The samples shall be transported to the Division of Forensic Science not more than fifteen days following withdrawal and shall be analyzed and stored in the DNA data bank in accordance with §§ 19.2-310.4 and 19.2-310.5.

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