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SENATE BILL NO. 353
Offered January 22, 1998
A BILL to amend and reenact § 19.2-310.2 of the Code of Virginia, relating to DNA analysis.
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Patrons—Stolle, Forbes, Norment, Quayle, Schrock, Trumbo and Williams
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Referred to the Committee for Courts of Justice
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Be it enacted by the General Assembly of Virginia:
1. That § 19.2-310.2 of the Code of Virginia is amended and reenacted as follows:
§ 19.2-310.2. Blood sample required for DNA analysis upon conviction of a felony.
Every person convicted of a felony on or after July 1, 1990, and every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, shall have a sample of his blood taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. *A fee of twenty five dollars shall be charged for withdrawal of the sample. The fee shall be taxed as part of the costs of the criminal case resulting in the felony conviction and shall be paid into the general fund of the state treasury. If the sample was withdrawn by an agent or employee of a local governmental entity, that entity shall be reimbursed from the general fund.* The analysis shall be performed by the Division of Forensic Science, Department of Criminal Justice Services. 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.

After July 1, 1990, the blood sample shall be taken prior to release from custody.

Notwithstanding the provisions of § 53.1-159, any person convicted of a felony who is in custody after July 1, 1990, shall provide a blood sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood sample as a condition of such sentence.

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