

Council Substitute for House Bill No. 29

An act relating to DNA testing; amending s. 943.325, F.S.; revising offenses for which a conviction requires the person convicted to provide biological specimens in specified circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 943.325, Florida Statutes, is amended to read:

943.325 Blood or other biological specimen testing for DNA analysis.—

(1)(a) Any person who is convicted or was previously convicted in this state for any offense or attempted offense enumerated in paragraph (b), and any person who is transferred to this state under Article VII of the Interstate Compact on Juveniles, part XIII of chapter 985, who has committed or attempted to commit an offense similarly defined by the transferring state, who is either:

1. Still incarcerated, or
2. No longer incarcerated, or has never been incarcerated, yet is within the confines of the legal state boundaries and is on probation, community control, parole, conditional release, control release, or any other type of court-ordered supervision,

shall be required to submit two specimens of blood or other biological specimens approved by the Department of Law Enforcement to a Department of Law Enforcement designated testing facility as directed by the department.

~~(b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s. 810.02, s. 812.133, or s. 812.135.~~

~~2. Effective July 1, 2002, and contingent upon specific appropriation, s. 812.13 or s. 812.131.~~

~~3. Effective July 1, 2003, and contingent upon specific appropriation, chapter 787 or s. 782.07.~~

~~4. Effective July 1, 2004, and contingent upon specific appropriation, any forcible felony, as described in s. 776.08, aggravated child abuse, as described in s. 827.03(2), aggravated abuse of an elderly person or a disabled adult, as described in s. 825.102(2), or any felony violation of chapter 790 involving the use or possession of a firearm.~~

~~1.5. Effective July 1, 2005, and contingent upon specific appropriation, Any felony offense.~~

2. Any misdemeanor violation of s. 784.048, s. 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26.

3. An offense that was found, pursuant to s. 874.04, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03.

(c) As used in this section, the term “any person” includes both juveniles and adults committed to a county jail or committed to or under the supervision of the Department of Corrections or the Department of Juvenile Justice, including persons incarcerated in a private correctional institution operated under contract pursuant to s. 944.105.

(d) Any person who was previously convicted in this state for any offense or attempted offense enumerated in paragraph (b) ~~subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3.~~ and who is still incarcerated or in the custody of the Department of Juvenile Justice must submit, not less than 45 days before his or her presumptive date of release from such incarceration or commitment, two specimens of blood or other approved biological specimens as directed by the Department of Law Enforcement to a testing facility designated by the department.

Section 2. This act shall take effect July 1, 2008.

Approved by the Governor April 29, 2008.

Filed in Office Secretary of State April 29, 2008.