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WEST VIRGINIA LEGISLATURE



ENROLLED

Committee Substitute for

SENATE BILL NO. 524

(By Senator Kessler et al)



PASSED March 9, 2002

In Effect July 1, 2002 ~~██████████~~

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 524

(SENATORS KESSLER, OLIVERIO, PLYMALE, EDGELL, ANDERSON,
REDD, SHARPE, UNGER AND SNYDER, *original sponsors*)

[Passed March 9, 2002; to take effect July 1, 2002.]

AN ACT to amend and reenact section six, article two-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring DNA samples for DNA analysis from persons convicted of certain felonies in this state.

Be it enacted by the Legislature of West Virginia:

That section six, article two-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2B. DNA DATA.

§15-2B-6. DNA sample required for DNA analysis upon conviction; DNA sample required for certain prisoners.

1 (a) Any person convicted of an offense described in
2 section one, two, three, four, seven, nine, nine-a (when that
3 offense constitutes a felony), ten, ten-a, ten-b, twelve,
4 fourteen or fourteen-a, article two, chapter sixty-one of
5 this code or section twelve, article eight of said chapter,
6 when that offense constitutes a felony, shall provide a
7 DNA sample to be used for DNA analysis as described in
8 this article. Further, any person convicted of any offense
9 described in article eight-b or eight-d of said chapter shall
10 provide a DNA sample to be used for DNA analysis as
11 described in this article.

12 (b) All persons incarcerated in a state correctional
13 facility or any county or regional jail in this state who are
14 incarcerated due to the conviction of any offense listed in
15 subsection (a) of this section who are incarcerated on the
16 first day of July, one thousand nine hundred ninety-five,
17 or who are convicted of any such offense on or after the
18 first day of July, one thousand nine hundred ninety-five,
19 shall have a DNA sample drawn for purposes of analysis
20 and storage of the DNA.

21 (c) Any person convicted after the first day of July, two
22 thousand, of a violation of section five or thirteen, article
23 two, chapter sixty-one of this code, section one, two, three,
24 four, five, seven, eleven, twelve (when that offense consti-
25 tutes a felony) or subsection (a), section thirteen, article
26 three of said chapter, section three, four, five or ten, article
27 three-e of said chapter or section three, article four of said
28 chapter, shall provide a DNA sample to be used for DNA
29 analysis as described in this article.

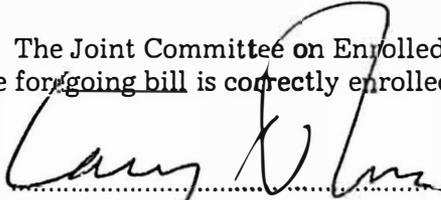
30 (d) Any person convicted after the first day of July, two
31 thousand two, of an offense which constitutes a felony
32 violation of the provisions of article four, chapter sixty-a
33 of this code; or of an attempt to commit a violation of
34 section one or section fourteen-a, article two, chapter
35 sixty-one of this code; or an attempt to commit a violation
36 of article eight-b of said chapter shall provide a DNA

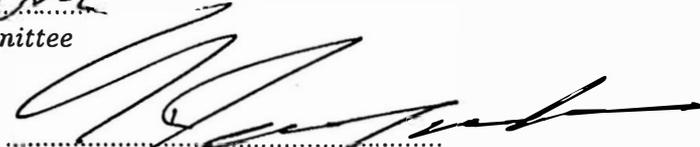
37 sample to be used for DNA analysis as described in this
38 article.

39 (e) For the purposes of this section, the term "DNA
40 sample" means a tissue, fluid or other bodily sample of an
41 individual on which a DNA analysis can be done. The
42 method of taking the "DNA sample" is subject to the
43 testing methods utilized by the West Virginia state police
44 crime lab.

45 (f) When a person who is required to provide a DNA
46 sample as required by this section refuses to comply with
47 any DNA testing, the state shall apply to a circuit court for
48 an order requiring the person to provide a DNA sample to
49 be withdrawn for the purpose of DNA typing and testing.
50 The circuit court shall order the person to submit to DNA
51 testing in conformity with the provisions of this article.

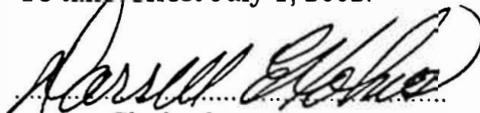
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

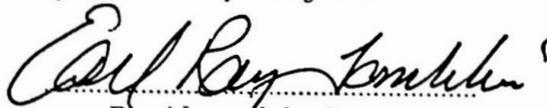

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Chairman House Committee

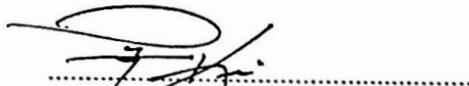
Originated in the Senate.

To take effect July 1, 2002.

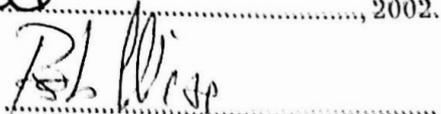

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 3rd
Day of April, 2002.


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Governor

PRESENTED TO THE

GOVERNOR

DATE 3/22/02

TIME 2:45 pm