

By: Representative Fleming

To: Judiciary A

HOUSE BILL NO. 865

1 AN ACT TO REQUIRE DNA TESTING OF CERTAIN FELONY ARRESTEES; TO
2 AMEND SECTION 47-5-183, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
3 AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) A person eighteen (18) years of age or over
6 who is arrested for the commission of a felony under the laws of
7 this state or any other jurisdiction shall provide a DNA sample to
8 jail or detention facility personnel upon booking. A sample is
9 not required if it is determined that a sample has previously been
10 taken, has not been expunged and is sufficient for DNA
11 identification testing.

12 (2) Jail or detention facility personnel who collect samples
13 pursuant to this section shall forward the samples to the
14 Department of Public Safety.

15 (3) Samples shall be collected in accordance with rules and
16 procedures adopted by the Department of Public Safety, shall be
17 confidential and shall be used only as authorized by this act.

18 (4) As used in this section:

19 (a) "DNA" means deoxyribonucleic acid;

20 (b) "Felony" means:

21 (i) A sex offense as defined in Section
22 45-33-23(g) that is a felony; or

23 (ii) Any other felony offense that involves death,
24 great bodily harm, aggravated assault, kidnapping, burglary,
25 larceny, robbery, aggravated stalking or use of a firearm or an
26 explosive; and

27 (c) "Sample" means a sample of biological material that
28 is sufficient for DNA testing.

29 (5) From and after July 1, 2012, the provisions of this
30 section shall apply to all felony arrests.

31 **SECTION 2.** Section 47-5-183, Mississippi Code of 1972, is
32 amended as follows:

33 47-5-183. The Mississippi Department of Corrections shall
34 secure a biological sample for purposes of DNA identification
35 analysis from every individual convicted of a felony or in its
36 custody before release from or transfer to a state correctional
37 facility or county jail or other detention facility. The samples
38 shall be forwarded to the Department of Public Safety.

39 **SECTION 3.** This act shall take effect and be in force from
40 and after July 1, 2007.