

By: Senator(s) Ross

To: Judiciary, Division B

SENATE BILL NO. 2779

1 AN ACT TO PROVIDE FOR DNA COLLECTION FROM PERSONS ARRESTED  
2 FOR CERTAIN CRIMES; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** (1) Every person eighteen (18) years of age or  
5 older who is arrested for the commission or attempted commission  
6 of a felony shall provide a biological sample for DNA testing to  
7 jail or detention center personnel upon booking. The analysis  
8 shall be performed by the Mississippi Crime Lab or other entity  
9 designated by the Department of Public Safety, and the results  
10 shall be maintained by the Crime Lab according to standard  
11 protocols adopted for maintenance of DNA records in conformity to  
12 federal guidelines for the maintenance of such records.

13 (2) The clerk of the court shall notify the Crime Lab of the  
14 final disposition of criminal proceedings. If the charge for  
15 which the sample was taken is dismissed or the defendant is  
16 acquitted at trial, the Crime Lab shall destroy the sample and all  
17 records thereof, provided there is no other pending qualifying  
18 warrant or capias for an arrest or felony conviction that would  
19 require that the sample remain in the data bank.

20 (3) (a) Any person who, without authority, disseminates  
21 information contained in the DNA data bank shall be guilty of a  
22 misdemeanor.

23 (b) Any person who disseminates, receives, or otherwise  
24 uses or attempts to use information in the DNA data bank, knowing  
25 that such dissemination, receipt or use is for a purpose other  
26 than as authorized by law, shall be guilty of a misdemeanor.

27           (c) Except as authorized by law, any person who obtains  
28 or attempts to obtain any sample for purposes of having DNA  
29 analysis performed shall be guilty of a felony.

30           (4) (a) Any person convicted under subsection (3)(a) shall  
31 be sentenced to a fine not to exceed Five Hundred Dollars  
32 (\$500.00), or confinement in the county jail not to exceed thirty  
33 (30) days, or both.

34           (b) Any person convicted under subsection (3)(b) shall  
35 be sentenced to a fine not to exceed One Thousand Dollars  
36 (\$1,000.00), or confinement in the county jail not to exceed six  
37 (6) months, or both.

38           (c) Any person convicted under subsection (3)(c) shall  
39 be sentenced to a fine not to exceed One Thousand Dollars  
40 (\$1,00.00), or commitment to the custody of the Department of  
41 Corrections not to exceed two (2) years, or both.

42           **SECTION 2.** This act shall take effect and be in force from  
43 and after July 1, 2007.