

By: Senator(s) Wiggins, Longwitz

To: Judiciary, Division B

SENATE BILL NO. 2430
(As Sent to Governor)

1 AN ACT TO CREATE KATIE'S LAW; TO PROVIDE FOR DNA COLLECTION
2 FROM PERSONS ARRESTED FOR CRIMES OF VIOLENCE; AND FOR RELATED
3 PURPOSES.

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

5 **SECTION 1.** (1) Every person who is arrested for the
6 commission or attempted commission of a crime of violence as
7 defined in Section 97-3-2 shall provide a biological sample for
8 DNA testing to jail or detention center personnel upon booking.
9 The analysis shall be performed by the Mississippi Crime Lab or
10 other entity designated by the Department of Public Safety, and
11 the results shall be maintained by the Crime Lab according to
12 standard protocols adopted for maintenance of DNA records in
13 conformity to federal guidelines for the maintenance of such
14 records.

15 (2) (a) A DNA sample shall be collected by an individual
16 who is trained in the collection procedures that the Crime
17 Laboratory uses.



18 (b) The clerk of the court shall notify the Crime Lab
19 of the final disposition of criminal proceedings. The Crime Lab
20 shall destroy the sample and delete from the database all records
21 thereof if there is no other pending qualifying warrant or capias
22 for an arrest or felony conviction that would require that the
23 sample remain in the DNA data bank and:

24 (i) The charge for which the sample was taken is
25 dismissed;

26 (ii) The defendant is acquitted at trial or
27 convicted of a lesser-included misdemeanor offense that is not an
28 offense listed in this section;

29 (iii) No charge was filed within the statute of
30 limitations, if any; or

31 (iv) No conviction has occurred, at least three
32 (3) years have passed since the date of arrest, and there is no
33 active prosecution.

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

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



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

44 (4) (a) Any person convicted under subsection (3)(a) shall
45 be sentenced to a fine not to exceed Five Hundred Dollars
46 (\$500.00) or confinement in the county jail not to exceed thirty
47 (30) days, or both.

48 (b) Any person convicted under subsection (3)(b) shall
49 be sentenced to a fine not to exceed One Thousand Dollars
50 (\$1,000.00) or confinement in the county jail not to exceed six
51 (6) months, or both.

52 (c) Any person convicted under subsection (3)(c) shall
53 be sentenced to a fine not to exceed One Thousand Dollars
54 (\$1,000.00) or commitment to the custody of the Department of
55 Corrections not to exceed two (2) years, or both.

56 (5) A defendant may file a motion with the court to seek
57 destruction of the DNA sample and deletion of such information
58 from the record under this section.

59 (6) This section shall not take effect unless the
60 Legislature has provided sufficient funds for implementing the
61 provisions of this section, including training, as certified by
62 the Joint Legislative Budget Committee.

63 **SECTION 2.** This act shall take effect and be in force from
64 and after July 1, 2014.

