

4/21/14

3:10 A.M.

Chapter No. SD2  
14/SS02/R15SG  
cl / cc/TB

**SENATE BILL NO. 2430**

Originated in Senate

Zkyweli

Secretary

SENATE BILL NO. 2430

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

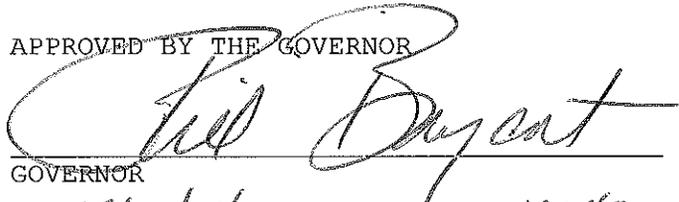
PASSED BY THE SENATE  
April 2, 2014

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 2, 2014

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR  
4/21/14 10:42am