

**DEOXYRIBONUCLEIC ACID COLLECTION AND
RETENTION AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Public Safety Code regarding the collection of DNA from offenders.

Highlighted Provisions:

This bill:

▶ adds specified felony offenses to the list of felonies for which the state collects DNA from an offender at the time of booking.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-10-403, as last amended by Laws of Utah 2010, Chapter 405

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-10-403** is amended to read:

53-10-403. DNA specimen analysis -- Application to offenders, including minors.

(1) Sections 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to any person



28 who:

29 (a) has pled guilty to or has been convicted of any of the offenses under Subsection
30 (2)(a) or (b) on or after July 1, 2002;

31 (b) has pled guilty to or has been convicted by any other state or by the United States
32 government of an offense which if committed in this state would be punishable as one or more
33 of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;

34 (c) has been booked on or after January 1, 2011, for any offense under Subsection
35 (2)(c); or

36 (d) is a minor under Subsection (3).

37 (2) Offenses referred to in Subsection (1) are:

38 (a) any felony or class A misdemeanor under the Utah Code;

39 (b) any offense under Subsection (2)(a):

40 (i) for which the court enters a judgment for conviction to a lower degree of offense
41 under Section 76-3-402; or

42 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
43 defined in Section 77-2a-1; or

44 (c) (i) any violent felony[-] as defined in Section 53-10-403.5;

45 (ii) sale or use of body parts, Section 26-28-116;

46 (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;

47 (iv) driving with any amount of a controlled substance in a person's body and causing
48 serious bodily injury or death, Subsection 58-37-8(2)(g);

49 (v) ~~H~~→ a felony violation of ~~H~~ enticing a minor over the Internet, Section 76-4-401;

50 (vi) ~~H~~→ a felony violation of ~~H~~ propelling a substance or object at a correctional or
50a peace officer, Section

51 76-5-102.6;

52 (vii) aggravated human trafficking and aggravated human smuggling, Section
53 76-5-310;

54 (viii) ~~H~~→ a felony violation of ~~H~~ unlawful sexual activity with a minor,
54a Section 76-5-401;

55 (ix) ~~H~~→ a felony violation of ~~H~~ sexual abuse of a minor, Section 76-5-401.1;

56 (x) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;

57 (xi) sale of a child, Section 76-7-203;

58 (xii) aggravated escape, Subsection 76-8-309(2);

- 59 (xiii) ~~H~~→ a felony violation of ~~H~~ assault on an elected official, Section 76-8-315;
60 (xiv) influencing, impeding, or retaliating against a judge or member of the Board of
61 Pardons and Parole, Section 76-8-316;
62 (xv) advocating criminal syndicalism or sabotage, Section 76-8-902;
63 (xvi) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
64 (xvii) ~~H~~→ a felony violation of ~~H~~ sexual battery, Section 76-9-702.1;
65 (xviii) ~~H~~→ a felony violation of ~~H~~ lewdness involving a child, Section 76-9-702.5;
66 (xix) ~~H~~→ a felony violation of ~~H~~ abuse or desecration of a dead human body,
66a Section 76-9-704;
67 (xx) manufacture, possession, sale, or use of a weapon of mass destruction, Section
68 76-10-402;
69 (xxi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
70 Section 76-10-403;
71 (xxii) possession of a concealed firearm in the commission of a violent felony,
72 Subsection 76-10-504(4);
73 (xxiii) assault with the intent to commit bus hijacking with a dangerous weapon,
74 Subsection 76-10-1504(3);
75 (xxiv) commercial obstruction, Subsection 76-10-2402(2);
76 (xxv) ~~H~~→ a felony violation of ~~H~~ failure to register as a sex or kidnap offender,
76a Section 77-41-107;
77 (xxvi) repeat violation of a protective order, Subsection 77-36-1.1(2)(c); or
78 (xxvii) violation of condition for release after arrest for domestic violence, Section
79 77-36-2.5.
80 (3) A minor under Subsection (1) is a minor 14 years of age or older whom a Utah
81 court has adjudicated to be within the jurisdiction of the juvenile court due to the commission
82 of any offense described in Subsection (2), and who is:
83 (a) within the jurisdiction of the juvenile court on or after July 1, 2002 for an offense
84 under Subsection (2); or
85 (b) in the legal custody of the Division of Juvenile Justice Services on or after July 1,
86 2002 for an offense under Subsection (2).

Legislative Review Note
as of 3-1-13 9:31 AM

Office of Legislative Research and General Counsel