

HOUSE No. 2270

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to the state DNA database..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 22E of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following two sentences:--

4 Any person, including a juvenile offender treated as an adult, who is arrested for a felony
5 or other specified offense punishable by imprisonment in the state prison, including an attempt,
6 conspiracy, criminal solicitation, or accessory after the fact of such offenses on or after
7 December 31, 2009, shall have a DNA sample drawn or taken at the same time such person is
8 fingerprinted pursuant to the booking procedure. If for any reason a person is convicted of a
9 felony and has not submitted his/her DNA that person shall submit a DNA sample to the
10 department within 1 year of such conviction or adjudication or, if incarcerated, before release
11 from custody, whichever occurs first.

12 SECTION 2. Section 3 of chapter 22E of the General Laws, as so appearing, is hereby
13 amended by adding the following phrase after the second sentence which begins, "The sample
14 shall be collected by a person,": --

15 “designated by the department or the arresting law enforcement agency and”

16 SECTION 3. Section 4(b) of chapter 22E of the General Laws, as so appearing, is hereby
17 amended by adding the following sentence to the end of the paragraph:--

18 “A portion of the assessment shall be shared by the department and the arresting law
19 enforcement agency to offset the cost associated with collecting and transferring the arrestee
20 sample to state custody for updating, maintaining, and administering the state DNA database.”