HOUSE DOCKET, NO. 3453 FILED ON: 1/21/2011

HOUSE . . . . . No. 2826

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the expansion of the state DNA database..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kate Hogan	*3rd Middlesex*
Martin J. Walsh	*13th Suffolk*
Cory Atkins	*14th Middlesex*

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By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 2826) of Kate Hogan, Martin J. Walsh and Cory Atkins for legislation to require persons arrainged on felony charges to submit a DNA sample. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to the expansion of 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:

SECTION 1. Section 3 of chapter 22E of the General Laws, as appearing in the 2004 official edition, is hereby amended by striking the text thereof, and inserting in place thereof following: -

"Any person who is arrested by virtue of process, or is taken into custody by an officer and charged with the commission of a felony, and who upon arrest has been arraigned pursuant to the applicable court rules under the Massachusetts Rules of Criminal Procedure, shall submit a DNA sample to the department. The sample shall be collected by a person authorized under section 4 of this chapter subsequent to arraignment, in accordance with regulations or procedures established by the director. The results of such sample shall be made part of the state DNA database.

Section 2. Section 12 of chapter 22E of the General Laws, as appearing in the 2004 offical edition, is hereby amended in line 6 by striking out the words "$1,000" and inserting in its place thereof the folllowing words:- $2,000. Said section is further amended in line 7 by striking out the words "six months" and inserting in place thereof the folllowing words: - one year.

Section 3. Section 13 of chapter 22E of the General Laws, as appearing in the 2004 offical edition, is hereby amended by striking in line 4 the words "$1,000" and inserting in its place thereof the folllowing words:- $2,000. Said section is further amended in line 5 by striking out the words "six months" and inserting in place thereof the folllowing words: - one year.

Section 4 . Section 15 of chapter 22E of the General Laws, as appearing in the 2004 offical edition, is hereby amended in line 3 by adding after the word "expunged" the following: -

23 “ if the original offense upon which the collection of DNA is based does not result in a
24 conviction; or”