WEST VIRGINIA CODE: §15-2B-3

§15-2B-3. Definitions.

As used in this article:

(1) “CODIS” means the Federal Bureau of Investigation’s Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local forensic DNA laboratories. The term “CODIS” includes the National DNA Index System administered and operated by the Federal Bureau of Investigation.

(2) “Conviction” includes convictions by a jury or court, guilty plea, or plea of nolo contendere.

(3) “Criminal justice agency” means an agency or institution of a federal, state, or local government, other than the office of public defender, which performs as part of its principal function the apprehension, investigation, prosecution, adjudication, incarceration, supervision, or rehabilitation of criminal offenders. The Forensic Analysis Laboratory of the Marshall University Forensic Science Center is hereby designated by the Legislature and the State Police to be a criminal justice agency for purposes of the laboratory’s participation in the West Virginia DNA Database with its access limited to the missing persons, relatives of missing persons, and unidentified human remains databases as part of work performed for the National Missing and Unidentified Persons System.

(4) “Division” means the West Virginia State Police.

(5) “DNA” means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual’s personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

(6) “DNA record” means DNA identification information stored in any state DNA database pursuant to this article. The DNA record is the result obtained from DNA typing tests. The DNA record is comprised of the characteristics of a DNA sample which are of value in establishing the identity of individuals. The results of all DNA identification tests on an individual’s DNA sample are also included as a “DNA record”.

(7) “DNA sample” means a tissue, fluid, or other bodily sample, suitable for testing, provided pursuant to this article or submitted to the division laboratory for analysis pursuant to a criminal investigation.

(8) “FBI” means the Federal Bureau of Investigation.

(9) “Interim plan” means the plan used currently by the Federal Bureau of Investigation for Partial Match Protocol and to be adopted under the management rules of this article.

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(10) “Management rules” means the rules promulgated by the West Virginia State Police that define all policy and procedures in the administration of this article.

(11) “Partial match” means that two DNA profiles, while not an exact match, share a sufficient number of characteristics to indicate the possibility of a biological relationship.

(12) “Qualifying offense” means any felony offense as described in §15-2B-6 of this code or any offense requiring a person to register as a sex offender under this code or the federal law. For the purpose of this article, a person found not guilty of a qualifying offense by reason of insanity or mental disease or defect shall be required to provide a DNA sample in accordance with this article.

(13) “Registering agency” means the West Virginia State Police.

(14) “State DNA database” means all DNA identification records included in the system administered by the West Virginia State Police.

(15) “State DNA databank” means the repository of DNA samples collected under the provisions of this article.

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