WEST VIRGINIA CODE: §15A-1-8

§15A-1-8. Preservation of biological evidence from criminal cases; directing Secretary to undertake a study and report to the Legislature.

(a) As used in this section:

(1) "Biological evidence" means:

(A) A sexual assault forensic examination kit; or

(B) Semen, blood, saliva, hair, human body tissue, or other biological material containing human DNA.

(2) "DNA" means deoxyribonucleic acid.

(3) "Secretary" means the Secretary of Military Affairs and Public Safety.

(b) The Secretary of Military Affairs and Public Safety shall undertake an investigation of effective modes and methods of storing and preserving biological materials obtained by law enforcement in criminal investigations and criminal prosecutions.

(c) On or before January 1, 2020, the Secretary shall submit to the President of the Senate and the Speaker of the House of Delegates a proposed plan, along with proposed legislation, creating within the department a program for the centralized storage and preservation of biological evidence obtained in criminal investigations and criminal trials throughout the state.

(d) It is the intent of the Legislature in enacting this section to acknowledge the importance of biological evidence and to recognize that improvements in technology make biological evidence ever more important in identifying criminal perpetrators and protecting innocent persons.

WV Legislature