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SPEAKER

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



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COMMITTEE SUBSTITUTE
FOR
House Bill No. 4322

(By Mr. Speaker, Mr. Kiss, and Delegates Staton,
Hunt, Wills, Stemple, Smirl and Laird)



Passed February 23, 2000

In Effect Ninety Days from Passage

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MARTINSBURG, WV 26150

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COMMITTEE SUBSTITUTE

FOR

H. B. 4322

(BY MR. SPEAKER, MR. KISS, AND DELEGATES STATON,
HUNT, WILLS, STEMPLE, SMIRL AND LAIRD)

[Passed February 23, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article two-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the taking of blood samples for DNA analysis; and requiring the taking of blood samples from persons convicted of certain additional offenses.

Be it enacted by the Legislature of West Virginia:

That section six, article two-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2B. DNA DATA.

§15-2B-6. Blood sample required for DNA analysis upon conviction; blood sample required for certain prisoners.

- 1 (a) Any person convicted of an offense described in section
- 2 one, two, three, four, seven, nine, nine-a (when that offense

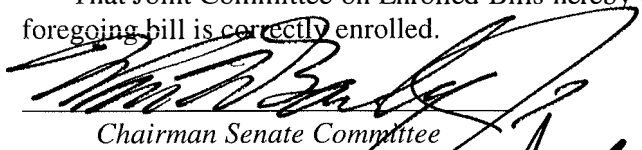
3 constitutes a felony), ten, ten-a, ten-b, twelve, fourteen or
4 fourteen-a, article two, chapter sixty-one of this code or section
5 twelve, article eight of said chapter, when that offense consti-
6 tutes a felony, shall provide a blood sample to be used for DNA
7 analysis as described in this article. Further, any person
8 convicted of any offense described in article eight-b or eight-d
9 of said chapter shall provide a blood sample to be used for
10 DNA analysis as described in this article.

11 (b) All persons incarcerated in a state correctional facility
12 or any county or regional jail in this state who are incarcerated
13 due to the conviction of any offense listed in subsection (a) of
14 this section who are incarcerated on the first day of July, one
15 thousand nine hundred ninety-five, or who are convicted of any
16 such offense on or after the first day of July, one thousand nine
17 hundred ninety-five, shall have a blood sample drawn for
18 purposes of analysis and storage of the DNA.

19 (c) Any person convicted after the first day of July, two
20 thousand, of a violation of section five or thirteen, article two,
21 chapter sixty-one of this code, section one, two, three, four,
22 five, seven, eleven, twelve (when that offense constitutes a
23 felony) or subsection (a) of section thirteen, article three of said
24 chapter, section three, four, five or ten, article three-e of said
25 chapter or section three, article four of said chapter, shall
26 provide a blood sample to be used for DNA analysis as de-
27 scribed in this article.

28 (d) When a person who is required to submit to blood
29 testing as required by this section refuses to comply with any
30 blood testing, the state shall apply to a circuit court for an order
31 requiring the prisoner to permit a blood sample to be withdrawn
32 for the purpose of DNA typing and testing. The circuit court
33 shall order the prisoner to submit to blood testing in conformity
34 with the provisions of this article.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



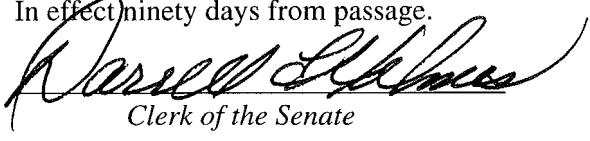
Chairman Senate Committee



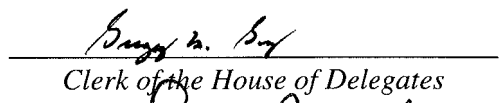
Chairman House Committee

Originating in the House.

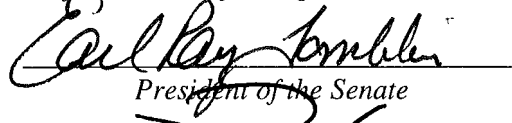
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

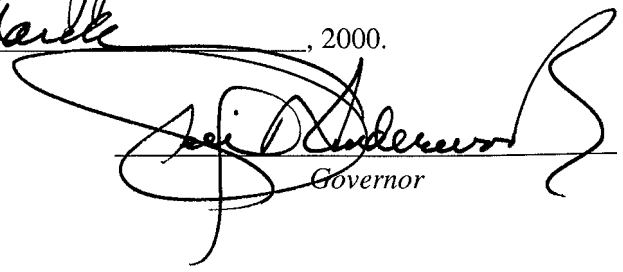


President of the Senate



Speaker of the House of Delegates

The within approved this the 3rd day of March, 2000.



Governor

PRESENTED TO THE

GOVERNOR

Date 2/28/00

Time 2:55pm