

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**Enrolled**  
**Committee Substitute**  
**for**  
**Senate Bill 600**

SENATORS TRUMP AND BOSO, *original sponsors*

[Passed March 8, 2019; in effect from passage]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2019 MAR 26 A 10:42

FILED

SB600

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §15A-1-8, relating generally to preservation of biological evidence obtained  
3 through criminal investigations and criminal trials; directing the Secretary of Military Affairs  
4 and Public Safety to investigate methods of storage and preservation of biological  
5 materials obtained by law enforcement in criminal investigations and criminal  
6 prosecutions; directing the Secretary of Military Affairs and Public Safety to submit to the  
7 Senate President and Speaker of the House of Delegates a proposed plan, along with  
8 proposed legislation, creating a program for the centralized storage and preservation of  
9 biological evidence obtained in criminal investigations and criminal trials throughout the  
10 state; requiring that such plan and proposed legislation be submitted on or before January  
11 1, 2020; and defining terms.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. DEFINITIONS: GENERAL PROVISIONS.**

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

- 1 (a) As used in this section:
- 2 (1) "Biological evidence" means:
- 3 (A) A sexual assault forensic examination kit; or
- 4 (B) Semen, blood, saliva, hair, human body tissue, or other biological material containing
- 5 human DNA.
- 6 (2) "DNA" means deoxyribonucleic acid.
- 7 (3) "Secretary" means the Secretary of Military Affairs and Public Safety.
- 8 (b) The Secretary of Military Affairs and Public Safety shall undertake an investigation of
- 9 effective modes and methods of storing and preserving biological materials obtained by law
- 10 enforcement in criminal investigations and criminal prosecutions.

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

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

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

*Mark Styer*  
.....  
Chairman, Senate Committee

*Wade Capps*  
.....  
Chairman, House Committee

Originated in the Senate.

In effect from passage.

FILED  
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

*Joe Gini*  
.....  
Clerk of the Senate

*Steve Morrison*  
.....  
Clerk of the House of Delegates

*Michelle B. Cannichael*  
.....  
President of the Senate

*Lee Haskin*  
.....  
Speaker of the House of Delegates

The within *is approved* this the *26th*  
*March*  
Day of ....., 2019.

*James O. Eastman*  
.....  
Governor

PRESENTED TO THE GOVERNOR

1 2 3 4 5 6 7 8 9

Time 2:58 pm