

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 2755

4  
5 By: Representative E. Brown  
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## For An Act To Be Entitled

9 AN ACT TO REQUIRE DEOXYRIBONUCLEIC ACID (DNA)  
10 SAMPLES FROM PERSONS ADJUDICATED GUILTY OF  
11 QUALIFYING OFFENSES WHO ARE PLACED ON PROBATION  
12 OR RECEIVE SUSPENDED SENTENCES; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15 TO REQUIRE DEOXYRIBONUCLEIC ACID (DNA)  
16 SAMPLES FROM PERSONS ADJUDICATED GUILTY  
17 OF QUALIFYING OFFENSES WHO ARE PLACED ON  
18 PROBATION OR RECEIVE SUSPENDED  
19 SENTENCES.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 12-12-1109(a), concerning deoxyribonucleic  
26 acid (DNA) samples, is amended to read as follows:

27 (a) A person who is adjudicated guilty for a qualifying offense on or  
28 after August 1, 1997, shall have a deoxyribonucleic acid (DNA) sample drawn  
29 as follows:

30 (1)(A) A person who is adjudicated guilty for a qualifying  
31 offense and sentenced to a term of confinement for that qualifying offense  
32 shall have a deoxyribonucleic acid (DNA) sample drawn upon intake to a  
33 prison, jail, or any other detention facility or institution.

34 (B) If the person is already confined at the time of  
35 sentencing, the person shall have a deoxyribonucleic acid (DNA) sample drawn  
36 immediately after the sentencing+.



1                    (C) If the person is placed on probation or given a  
 2 suspended sentence, the person shall have a deoxyribonucleic acid (DNA)  
 3 sample drawn immediately after the court places the person on probation or  
 4 suspends the person's sentence;

5                    (2)(A) A person who is adjudicated guilty for a qualifying  
 6 offense shall have a deoxyribonucleic acid (DNA) sample drawn as a condition  
 7 of any sentence in which disposition will not involve an intake into a  
 8 prison, jail, or any other detention facility or institution.

9                    (B) Unless otherwise ordered by the court, the agency  
 10 supervising the convicted offender shall determine the time and collection of  
 11 the deoxyribonucleic acid (DNA) sample;

12                   (3) A person who is acquitted on the grounds of mental disease  
 13 or defect of the commission of a qualifying offense and committed to an  
 14 institution or other facility shall have a deoxyribonucleic acid (DNA) sample  
 15 drawn upon intake to that institution or other facility; and

16                   (4) Under no circumstance shall a person who is adjudicated  
 17 guilty for a qualifying offense be released in any manner after this  
 18 disposition unless a deoxyribonucleic acid (DNA) sample has been drawn.

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 20                   SECTION 2. Arkansas Code § 12-12-1118 is amended to read as follows:  
 21                   12-12-1118. Mandatory ~~cost~~ fee.

22                   (a) Unless finding that undue hardship would result, the sentencing  
 23 court shall assess at the time of sentencing a mandatory ~~fine~~ fee of not less  
 24 than two hundred fifty dollars (\$250) on any person who is required to  
 25 provide a deoxyribonucleic acid (DNA) sample under this subchapter.

26                   (b) The ~~fine~~ fee provided in subsection (a) of this section and  
 27 collected in circuit court, district court, city court, shall be remitted by  
 28 the tenth day of each month to the Administration of Justice Fund Section of  
 29 the Office of Administrative Services of the Department of Finance and  
 30 Administration on a form provided by that office for deposit in the DNA  
 31 Detection Fund as established by § 12-12-1119.