

ASSEMBLY, No. 353

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman QUIGLEY and Assemblyman FELICE

1 **AN ACT** concerning DNA testing of certain juveniles and amending
2 P.L.1994, c.136.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1994, c.136 (C:53:1-20.18) is amended to read
8 as follows:

9 2. The Legislature finds and declares that DNA databanks are an
10 important tool in criminal investigations and in deterring and detecting
11 recidivist acts. Several states have enacted laws requiring persons
12 convicted of certain crimes, especially serious sexual offenses, to
13 provide genetic samples for DNA profiling. Moreover, it is the policy
14 of this State to assist federal, state and local criminal justice and law
15 enforcement agencies in the identification and detection of individuals
16 who are the subjects of criminal investigations. It is therefore in the
17 best interest of the State of New Jersey to establish a DNA database
18 and a DNA databank containing blood samples submitted by certain
19 serious sexual offenders. It is also in the best interest of the State of
20 New Jersey to include in this DNA database and DNA databank blood
21 samples submitted by certain juveniles adjudicated delinquent for
22 certain acts, which if committed by an adult, would constitute serious
23 sexual offenses.

24 (cf: P.L.1994, c.136, s.2)

25

26 2. Section 3 of P.L.1994, c.136 (C.53:1-20.19) is amended to read
27 as follows:

28 3. As used in this act:

29 "CODIS" means the FBI's national DNA identification index system
30 that allows the storage and exchange of DNA records submitted by
31 State and local forensic laboratories.

32 "DNA" means deoxyribonucleic acid.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 "DNA Record" means DNA identification information stored in the
2 State DNA database or CODIS for the purpose of generating
3 investigative leads or supporting statistical interpretation of DNA test
4 results.

5 "DNA Sample" means a blood sample provided by any person
6 convicted of any offense enumerated in section 4 of this act or
7 provided by any juvenile adjudicated delinquent for an act which, if
8 committed by an adult, would constitute any offense enumerated in
9 section 4 of this act or submitted to the division for analysis pursuant
10 to a criminal investigation.

11 "Division" means the Division of State Police in the Department of
12 Law and Public Safety.

13 "FBI" means the Federal Bureau of Investigation.

14 "State DNA Database" means the DNA identification record system
15 to be administered by the division which provides DNA records to the
16 FBI for storage and maintenance in CODIS.

17 "State DNA Databank" means the repository of DNA samples
18 collected under the provisions of this act.

19 (cf: P.L.1994, c.136, s.3)

20

21 3. Section 4 of P.L.1994, c.136 (C.53:1-20.20) is amended to read
22 as follows:

23 4. a. On or after January 1, 1995 every person convicted of
24 aggravated sexual assault and sexual assault under N.J.S.2C:14-2 or
25 aggravated criminal sexual contact and criminal sexual contact under
26 N.J.S.2C:14-3 or any attempt to commit any of these crimes and who
27 is sentenced to a term of imprisonment shall have a blood sample
28 drawn for purposes of DNA testing upon commencement of the period
29 of confinement. In addition, every person convicted on or after
30 January 1, 1995 of these offenses, but who is not sentenced to a term
31 of confinement, shall provide a DNA sample as a condition of the
32 sentence imposed. A person who has been convicted and incarcerated
33 as a result of a conviction of one or more of these offenses prior to
34 January 1, 1995 shall have a DNA sample drawn before parole or
35 release from incarceration.

36 b. On or after January 1, 1996 every juvenile adjudicated
37 delinquent for an act which, if committed by an adult, would constitute
38 aggravated sexual assault or sexual assault under N.J.S.2C:14-2 or
39 aggravated criminal sexual contact or criminal sexual contact under
40 N.J.S.2C:14-3, or any attempt to commit any of these crimes, shall
41 have a blood sample drawn for purposes of DNA testing.

42 (cf: P.L.1994, c.136, s.4)

43

44 4. Section 6 of P.L.1994, c.136 (C.53:1-20.22) is amended to read
45 as follows:

46 6. Each DNA sample required to be drawn pursuant section 4 of

1 this act from persons who are incarcerated shall be drawn at the place
2 of incarceration. DNA samples from persons who are not sentenced
3 to a term of confinement shall be drawn at a prison or jail unit to be
4 specified by the sentencing court. DNA samples from persons who are
5 adjudicated delinquent shall be drawn at a juvenile facility to be
6 specified by the family court. Only a correctional health nurse
7 technician, physician, registered professional nurse, licensed practical
8 nurse, laboratory technician, phlebotomist or other health care worker
9 with phlebotomy training shall draw any DNA sample to be submitted
10 for analysis. No civil liability shall attach to any person authorized to
11 draw blood by this section as a result of drawing blood from any
12 person if the blood was drawn according to recognized medical
13 procedures. No person shall be relieved from liability for negligence
14 in the drawing of any DNA sample. No sample shall be drawn if the
15 division has previously received an adequate blood sample from the
16 convicted person or the juvenile adjudicated delinquent.

17 (cf: P.L.1994, c.136, s.6)

18

19 5. This act shall take effect immediately.

20

STATEMENT

24 This bill provides authority for the taking of DNA samples from
25 certain juveniles adjudicated delinquent for acts, which if committed
26 by an adult, constitute aggravated sexual assault or sexual assault
27 under N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal
28 sexual contact under N.J.S.2C:14-3 or any attempt to commit any of
29 these crimes. This bill amends the provisions of recently enacted
30 P.L.1994, c.136 to include certain juveniles within the provisions. The
31 bill provides that the family court shall specify where the sample shall
32 be drawn.

33

34

35

36

37 Includes certain juveniles adjudicated delinquent within provisions of
38 P.L.1994, c.136 providing for taking of DNA samples.