

AMENDMENTS TO SENATE BILL NO. 988

Sponsor: SENATOR BAKER

Printer's No. 1654

1 Amend Bill, page 1, line 5, by striking out "and" where it
2 occurs the second time and inserting a comma

3 Amend Bill, page 1, lines 7 and 8, by striking out all of
4 line 7 and "providing" in line 8

5 Amend Bill, page 1, lines 12 through 14, by striking out all
6 of said lines and inserting

7 Section 1. Section 2302(2) and (4) of Title 44 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 Amend Bill, page 1, line 21; page 2, lines 1 through 4; by
10 striking out all of said lines on said pages

11 Amend Bill, page 2, line 17, by striking out "definitions"
12 and inserting

13 a definition

14 Amend Bill, page 2, lines 23 through 28, by striking out all
15 of said lines

16 Amend Bill, page 2, line 29, by striking out the colon after
17 "following" and inserting

18 , or an attempt, conspiracy or solicitation to commit any of
19 the following:

20 Amend Bill, page 3, lines 13 through 21, by striking out all
21 of said lines

22 Amend Bill, page 3, line 22, by inserting after "following"

23 , or an attempt, conspiracy or solicitation to commit any of

1 the following

2 Amend Bill, page 5, line 14, by striking out "arrested and"

3 Amend Bill, page 5, line 14, by inserting a bracket before
4 "convicted"

5 Amend Bill, page 5, line 15, by inserting after "offenders"

6] persons

7 Amend Bill, page 5, line 18, by striking out "and bias"

8 Amend Bill, page 6, line 7, by striking out "arrested for,"

9 Amend Bill, page 6, line 7, by inserting a bracket before
10 "convicted"

11 Amend Bill, page 6, line 8, by inserting after "offenses."

12] required to provide a DNA sample under this chapter.

13 Amend Bill, page 6, line 22, by inserting a bracket before
14 "General"

15 Amend Bill, page 6, line 22, by inserting after "rule.--"

16] Conviction or adjudication.--

17 Amend Bill, page 8, lines 20 through 30; page 9, lines 1
18 through 6; by striking out all of said lines on said pages and
19 inserting

20 (c.1) Arrest.--Except as otherwise provided in this section,
21 a DNA sample shall be collected as follows:

22 (1) A person who is arrested in this Commonwealth for
23 criminal homicide shall have a DNA sample collected at the
24 time fingerprints are collected under 18 Pa.C.S. § 9112
25 (relating to mandatory fingerprinting). The collected DNA
26 sample shall be submitted to the State Police within 48 hours
27 in a manner prescribed by rules, regulations and guidelines
28 promulgated under section 2318 (relating to procedures for
29 conduct, disposition and use of DNA analysis). The person may
30 not be released until a DNA sample and fingerprints are
31 collected.

32 (2) A person who is arrested in this Commonwealth for a
33 felony sex offense shall have a DNA sample collected at the
34 time fingerprints are collected under 18 Pa.C.S. § 9112. The
35 collected DNA sample shall be submitted to the State Police

1 within 48 hours in a manner prescribed by rules, regulations
2 and guidelines promulgated under section 2318. The person may
3 not be released until a DNA sample and fingerprints are
4 collected.

5 (3) A person who is arrested in this Commonwealth for an
6 offense listed under paragraph (1), (4) or (5) of the
7 definition of "other specified offense" in section 2303 shall
8 have a DNA sample collected at the time fingerprints are
9 collected under 18 Pa.C.S. § 9112. The collected DNA sample
10 shall be submitted to the State Police within 48 hours in a
11 manner prescribed by rules, regulations and guidelines
12 promulgated under section 2318. The person may not be
13 released until a DNA sample and fingerprints are collected.

14 (c.2) Limitations.--Subsection (c.1) shall not apply to a
15 criminal proceeding in which the person who is the subject of
16 the criminal proceeding is not arrested and is instead proceeded
17 against by summons. Nothing in this subsection shall be
18 construed to preclude the collection of DNA otherwise authorized
19 by this chapter.

20 Amend Bill, page 10, line 5, by inserting after "release,"
21 bail,

22 Amend Bill, page 10, lines 17 through 30; pages 11 and 12,
23 lines 1 through 30; by striking out all of said lines on said
24 pages

25 Amend Bill, page 13, line 1, by striking out "5" and
26 inserting

27 4

28 Amend Bill, page 13, line 9, by striking out "6. Sections
29 2321(b.1)(1)" and inserting

30 5. Sections 2321(b.1)

31 Amend Bill, page 13, line 15, by inserting a bracket before
32 "paragraph"

33 Amend Bill, page 13, line 15, by inserting after "(2)"

34] paragraphs (2) and (3)

35 Amend Bill, page 13, line 17, by striking out "or an arrest
36 was made" and inserting

37 or where the arrest for which the DNA sample, record or
38 profile was made

1 Amend Bill, page 14, by inserting between lines 14 and 15

2 (2) Paragraph (1) shall not apply if the person has been
3 arrested, convicted or adjudicated delinquent for any other
4 crime for which a DNA sample is required to be collected
5 under this chapter.

6 (3) The court shall give [10] 30 days' prior notice to
7 the district attorney of the county where the original
8 charges were filed of an application for expungement under
9 this subsection.

10 (4) Notwithstanding any other law or rule of court, the
11 court shall have no authority to order the expungement of a
12 DNA sample, record or profile in the State DNA Data Bank or
13 the State DNA Data Base except as provided under this
14 subsection.

15 Amend Bill, page 14, line 15, by striking out all of said
16 line and inserting

17 * * *

18 Amend Bill, page 14, line 24, by striking out all of said
19 line and inserting

20 Section 6. This act shall take effect as follows:

21 (1) The addition of 44 Pa.C.S. § 2316(c.1)(2) shall take
22 effect in 365 days.

23 (2) The addition of 44 Pa.C.S. § 2316(c.1)(3) shall take
24 effect in 18 months.

25 (3) This section shall take effect immediately.

26 (4) The remainder of this act shall take effect in 180
27 days.