

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 988 Session of 2024

INTRODUCED BY FARRY, PENNYCUICK, BARTOLOTTA, VOGEL AND CULVER, MAY 29, 2024

SENATOR BAKER, JUDICIARY, AS AMENDED, JUNE 25, 2024

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, in DNA data and testing, further
3 providing for policy, for definitions, for State DNA Data
4 Base, for State Police recommendation of additional offenses
5 and annual report and, for DNA sample required upon <--
6 conviction, delinquency adjudication and certain ARD cases,
7 providing for request for modified DNA search and further <--
8 providing for DNA data base exchange, for expungement and for
9 mandatory cost; and making an editorial change.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2302(2) and (4) of Title 44 of the <--
13 Pennsylvania Consolidated Statutes are amended and the section-
14 is amended by adding a paragraph to read:

15 SECTION 1. SECTION 2302(2) AND (4) OF TITLE 44 OF THE <--
16 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

17 § 2302. Policy.

18 The General Assembly finds and declares that:

19 \* \* \*

20 (2) Several states have enacted laws requiring persons
21 arrested, charged or convicted of certain crimes, especially

1 sex offenses, to provide genetic samples for DNA profiling.

2 ~~(2.1) Several states have authorized the disclosure of~~ <--  
3 ~~DNA profiles in the state's DNA data base where comparison of~~  
4 ~~DNA linked to a crime with a known offender's DNA profile in~~  
5 ~~the data base establishes the likelihood of a close familial~~  
6 ~~relationship.~~

7 \* \* \*

8 (4) It is in the best interest of the Commonwealth to  
9 establish a DNA data base and a DNA data bank containing DNA  
10 samples submitted by individuals arrested for, charged with,  
11 convicted of, adjudicated delinquent for or accepted into ARD  
12 for criminal homicide, felony sex offenses and other  
13 specified offenses and containing DNA samples collected as  
14 part of an investigation into missing persons or unidentified  
15 decedents.

16 \* \* \*

17 Section 2. The definition of "other specified offense" in  
18 section 2303 of Title 44 is amended and the section is amended  
19 by adding ~~definitions~~ A DEFINITION to read: <--  
20 § 2303. Definitions.

21 The following words and phrases when used in this chapter  
22 shall have the meanings given to them in this section unless the  
23 context clearly indicates otherwise:

24 \* \* \*

25 ~~"Arrest." The taking or keeping of a person in custody by~~ <--  
26 ~~legal authority or proceedings commenced by a police complaint~~  
27 ~~that is proceeded against by summons or by a petition filed~~  
28 ~~under 42 Pa.C.S. § 6321 (relating to commencement of~~  
29 ~~proceedings).~~

30 \* \* \*

1 "Criminal homicide." An offense under any of the following+, <--  
2 OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT ANY OF THE  
3 FOLLOWING:

4 (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).

5 (2) 18 Pa.C.S. § 2502 (relating to murder).

6 (3) 18 Pa.C.S. § 2503 (relating to voluntary  
7 manslaughter).

8 (4) 18 Pa.C.S. § 2504 (relating to involuntary  
9 manslaughter).

10 (5) 18 Pa.C.S. § 2505 (relating to causing or aiding  
11 suicide), if the offense is graded as a felony.

12 (6) 18 Pa.C.S. § 2506 (relating to drug delivery  
13 resulting in death).

14 (7) 18 Pa.C.S. § 2507 (relating to criminal homicide of  
15 law enforcement officer).

16 \* \* \*

17 ~~"Modified DNA search." A search of the State DNA Data Base, <--~~  
18 ~~using scientifically valid and reliable methods in accordance~~  
19 ~~with rules, regulations and guidelines promulgated under section~~  
20 ~~2318 (relating to procedures for conduct, disposition and use of~~  
21 ~~DNA analysis), to determine that a crime scene DNA profile is~~  
22 ~~sufficiently likely to have originated from a close relative of~~  
23 ~~an individual whose DNA profile is recorded in the State DNA~~  
24 ~~Data Base.~~

25 \* \* \*

26 "Other specified offense." Any of the following, OR AN <--  
27 ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT ANY OF THE  
28 FOLLOWING:

29 (1) A felony offense, other than criminal homicide or a  
30 felony sex offense.

1 (2) (Reserved).

2 (3) (Reserved).

3 (4) An offense under 18 Pa.C.S. (relating to crimes and  
4 offenses) or 75 Pa.C.S. (relating to vehicles) that is graded  
5 as a misdemeanor of the first degree.

6 (5) A misdemeanor offense requiring registration under  
7 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of  
8 sexual offenders).

9 (6) An offense graded as a misdemeanor of the second  
10 degree under any of the following:

11 18 Pa.C.S. § 2701 (relating to simple assault).

12 18 Pa.C.S. § 2903 (relating to false imprisonment).

13 18 Pa.C.S. § 3127 (relating to indecent exposure).

14 18 Pa.C.S. Ch. 39 (relating to theft and related  
15 offenses).

16 18 Pa.C.S. § 4105 (relating to bad checks).

17 18 Pa.C.S. § 4106 (relating to access device fraud).

18 18 Pa.C.S. § 4952 (relating to intimidation of  
19 witnesses or victims).

20 18 Pa.C.S. § 4953 (relating to retaliation against  
21 witness, victim or party).

22 18 Pa.C.S. § 4958 (relating to intimidation,  
23 retaliation or obstruction in child abuse cases).

24 18 Pa.C.S. § 5121 (relating to escape).

25 18 Pa.C.S. § 5126 (relating to flight to avoid  
26 apprehension, trial or punishment).

27 18 Pa.C.S. § 5131 (relating to recruiting criminal  
28 gang members).

29 18 Pa.C.S. § 5510 (relating to abuse of corpse).

30 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to

1 animals).

2 18 Pa.C.S. § 5902 (relating to prostitution and  
3 related offenses).

4 \* \* \*

5 Section 3. Sections 2312, 2314(b), 2316 and 2317(a)(1)  
6 introductory paragraph of Title 44 are amended to read:

7 § 2312. State DNA Data Base.

8 A Statewide DNA Data Base is reestablished within the State  
9 Police to store forensic DNA profiles and records developed by  
10 or submitted to the State Police under the former DNA Act, the  
11 former provisions of 42 Pa.C.S. Ch. 47 (relating to DNA data and  
12 testing) or this chapter, and to contribute forensic DNA  
13 profiles and records to CODIS, the National Missing and  
14 Unidentified Persons System and the national DNA identification  
15 index system. The State DNA Data Base shall have the capability  
16 provided by computer software and procedures administered by the  
17 State Police to store and maintain forensic DNA profiles and  
18 records related to:

19 (1) forensic casework;

20 (2) ~~arrested and~~ [convicted or delinquency adjudicated <--  
21 offenders] PERSONS required to provide a DNA sample under <--  
22 this chapter;

23 (3) anonymous DNA records used for statistical research  
24 on the frequency of DNA genotypes, quality control ~~and bias~~ <--  
25 or the development of new DNA identification methods; and

26 (4) missing persons and unidentified decedents.

27 § 2314. State Police recommendation of additional offenses and  
28 annual report.

29 \* \* \*

30 (b) Annual report.--No later than August 1 of each year, the

1 commissioner shall submit to the Governor's Office, the  
2 chairperson and minority chairperson of the Judiciary Committee  
3 of the Senate and the chairperson and minority chairperson of  
4 the Judiciary Committee of the House of Representatives a  
5 written report containing information regarding the collection  
6 and testing of DNA samples under the provisions of this chapter.  
7 The report must include, but need not be limited to, the  
8 following information pertaining to the previous fiscal year:

9 (1) The age, race and sex of those [convicted] from whom  
10 DNA samples were submitted [upon conviction] under this  
11 chapter.

12 (2) The fiscal impact on the State Police of collecting  
13 and testing DNA samples from persons ~~arrested for,~~ [convicted <--  
14 of or adjudicated delinquent for offenses.] REQUIRED TO <--  
15 PROVIDE A DNA SAMPLE UNDER THIS CHAPTER.

16 (3) The average length of time between the receipt of  
17 DNA samples [from those convicted of offenses] and the  
18 completion of forensic DNA testing of each of those  
19 categories of DNA samples.

20 (3.1) The number of DNA samples expunged from the State  
21 DNA Data Base.

22 (4) Recommendations, if any, under this section for the  
23 inclusion of additional offenses for which DNA samples must  
24 be collected or recommendations for the removal of specific  
25 offenses from the categories requiring the collection of DNA  
26 samples from arrestees or persons convicted of crimes.

27 § 2316. DNA sample required [upon conviction, delinquency  
28 adjudication and certain ARD cases].

29 (a) [General rule.--] CONVICTION OR ADJUDICATION.--A person <--  
30 who is convicted or adjudicated delinquent for criminal

1 homicide, a felony sex offense or other specified offense or who  
2 is or remains incarcerated for a felony sex offense or other  
3 specified offense on or after the effective date of this chapter  
4 shall have a DNA sample collected as follows:

5 (1) A person who is sentenced or receives a delinquency  
6 disposition to a term of confinement for an offense covered  
7 by this subsection shall have a DNA sample collected upon  
8 intake to a prison, jail or juvenile detention facility or  
9 any other detention facility or institution. If the person is  
10 already confined at the time of sentencing or adjudication,  
11 the person shall have a DNA sample collected immediately  
12 after the sentencing or adjudication. If a DNA sample is not  
13 timely collected in accordance with this section, the DNA  
14 sample may be collected any time thereafter by the prison,  
15 jail, juvenile detention facility, detention facility or  
16 institution.

17 (2) A person who is convicted or adjudicated delinquent  
18 for an offense covered by this subsection shall have a DNA  
19 sample collected as a condition for any sentence or  
20 adjudication which disposition will not involve an intake  
21 into a prison, jail, juvenile detention facility or any other  
22 detention facility or institution.

23 (3) Under no circumstances shall a person who is  
24 convicted or adjudicated delinquent for an offense covered by  
25 this subsection be released in any manner after such  
26 disposition unless and until a DNA sample and fingerprints  
27 have been collected.

28 (b) Condition of release, probation or parole.--

29 (1) A person who has been convicted or adjudicated  
30 delinquent for criminal homicide, a felony sex offense or

1 other specified offense and who serves a term of confinement  
2 in connection therewith after June 18, 2002, shall not be  
3 released in any manner unless and until a DNA sample has been  
4 collected.

5 (2) This chapter shall apply to incarcerated persons  
6 convicted or adjudicated delinquent for criminal homicide, a  
7 felony sex offense or other specified offense prior to June  
8 19, 2002.

9 (3) The following shall apply:

10 (i) Except as provided under subparagraph (ii), this  
11 chapter shall apply to incarcerated persons and persons  
12 on probation or parole who were convicted or adjudicated  
13 delinquent for criminal homicide, a felony sex offense or  
14 other specified offenses prior to the effective date of  
15 this paragraph.

16 (ii) Subparagraph (i) shall not apply to persons  
17 convicted or adjudicated delinquent of an offense  
18 enumerated under paragraph (4) or (6) of the definition  
19 of "other specified offense" in section 2303 (relating to  
20 definitions).

21 (c) Certain ARD cases.--Acceptance into ARD as a result of a  
22 criminal charge for criminal homicide, a felony sex offense or  
23 other specified offense, other than an offense enumerated under  
24 paragraph (4) or (6) of the definition of "other specified  
25 offense" in section 2303 filed after June 18, 2002, [may] shall  
26 be conditioned upon the collection of a DNA sample.

27 ~~(c.1) Arrest.--A person who is arrested in this Commonwealth <--~~  
28 ~~for criminal homicide, a felony sex offense or other specified~~  
29 ~~offense shall have a DNA sample collected as follows:~~

30 ~~(1) The person shall have a DNA sample collected at the~~



~~time fingerprints are collected under 18 Pa.C.S. § 9112  
(relating to mandatory fingerprinting). DNA collected shall  
be submitted to the State Police within 48 hours in a manner  
prescribed by rules, regulations and guidelines promulgated  
under section 2318 (relating to procedures for conduct,  
disposition and use of DNA analysis).~~

~~(2) The person may not be released until a DNA sample  
and fingerprints are collected.~~

~~(3) If a DNA sample is not timely collected in  
accordance with this subsection, the DNA sample may be  
collected any time thereafter by a law enforcement official,  
prison, jail, juvenile detention facility, detention facility  
or institution.~~

(C.1) ARREST.--EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, <--  
A DNA SAMPLE SHALL BE COLLECTED AS FOLLOWS:

(1) A PERSON WHO IS ARRESTED IN THIS COMMONWEALTH FOR  
CRIMINAL HOMICIDE SHALL HAVE A DNA SAMPLE COLLECTED AT THE  
TIME FINGERPRINTS ARE COLLECTED UNDER 18 PA.C.S. § 9112  
(RELATING TO MANDATORY FINGERPRINTING). THE COLLECTED DNA  
SAMPLE SHALL BE SUBMITTED TO THE STATE POLICE WITHIN 48 HOURS  
IN A MANNER PRESCRIBED BY RULES, REGULATIONS AND GUIDELINES  
PROMULGATED UNDER SECTION 2318 (RELATING TO PROCEDURES FOR  
CONDUCT, DISPOSITION AND USE OF DNA ANALYSIS). THE PERSON MAY  
NOT BE RELEASED UNTIL A DNA SAMPLE AND FINGERPRINTS ARE  
COLLECTED.

(2) A PERSON WHO IS ARRESTED IN THIS COMMONWEALTH FOR A  
FELONY SEX OFFENSE SHALL HAVE A DNA SAMPLE COLLECTED AT THE  
TIME FINGERPRINTS ARE COLLECTED UNDER 18 PA.C.S. § 9112. THE  
COLLECTED DNA SAMPLE SHALL BE SUBMITTED TO THE STATE POLICE  
WITHIN 48 HOURS IN A MANNER PRESCRIBED BY RULES, REGULATIONS

1 AND GUIDELINES PROMULGATED UNDER SECTION 2318. THE PERSON MAY  
2 NOT BE RELEASED UNTIL A DNA SAMPLE AND FINGERPRINTS ARE  
3 COLLECTED.

4 (3) A PERSON WHO IS ARRESTED IN THIS COMMONWEALTH FOR AN  
5 OFFENSE LISTED UNDER PARAGRAPH (1), (4) OR (5) OF THE  
6 DEFINITION OF "OTHER SPECIFIED OFFENSE" IN SECTION 2303 SHALL  
7 HAVE A DNA SAMPLE COLLECTED AT THE TIME FINGERPRINTS ARE  
8 COLLECTED UNDER 18 PA.C.S. § 9112. THE COLLECTED DNA SAMPLE  
9 SHALL BE SUBMITTED TO THE STATE POLICE WITHIN 48 HOURS IN A  
10 MANNER PRESCRIBED BY RULES, REGULATIONS AND GUIDELINES  
11 PROMULGATED UNDER SECTION 2318. THE PERSON MAY NOT BE  
12 RELEASED UNTIL A DNA SAMPLE AND FINGERPRINTS ARE COLLECTED.

13 (C.2) LIMITATIONS.--SUBSECTION (C.1) SHALL NOT APPLY TO A  
14 CRIMINAL PROCEEDING IN WHICH THE PERSON WHO IS THE SUBJECT OF  
15 THE CRIMINAL PROCEEDING IS NOT ARRESTED AND IS INSTEAD PROCEEDED  
16 AGAINST BY SUMMONS. NOTHING IN THIS SUBSECTION SHALL BE  
17 CONSTRUED TO PRECLUDE THE COLLECTION OF DNA OTHERWISE AUTHORIZED  
18 BY THIS CHAPTER.

19 (d) Supervision of DNA samples.--All DNA samples collected  
20 pursuant to this section shall be collected in accordance with  
21 rules, regulations and guidelines promulgated by the State  
22 Police in consultation with the Department of Corrections.

23 (d.1) Mandatory submission.--The requirements of this  
24 chapter are mandatory and apply regardless of whether a court  
25 advises a person that a DNA sample must be provided to the State  
26 DNA Data Base and the State DNA Data Bank as a result of [a] an  
27 arrest, conviction or adjudication of delinquency. A person who  
28 has been sentenced to death or life imprisonment without the  
29 possibility of parole or to any term of incarceration is not  
30 exempt from the requirements of this chapter. Any person subject

1 to this chapter who has not provided a DNA sample for any  
2 reason, including because of an oversight or error, shall  
3 provide a DNA sample for inclusion in the State DNA Data Base  
4 and the State DNA Data Bank after being notified by authorized  
5 law enforcement or corrections personnel. If a person provides a  
6 DNA sample which is not adequate for any reason, the person  
7 shall provide another DNA sample for inclusion in the State DNA  
8 Data Base and the State DNA Data Bank after being notified by  
9 authorized law enforcement or corrections personnel. The DNA  
10 sample may be collected under this chapter but shall not be  
11 required if the authorized law enforcement or corrections  
12 official confirms that a DNA sample from the person has already  
13 been validly collected and provided to the State DNA Data Bank  
14 and a DNA record for the person exists in the State DNA Data  
15 Base.

16 (e) Definition.--As used in this section, the term  
17 "released" means any release, parole, furlough, work release,  
18 BAIL, prerelease or release in any other manner from a prison, <--  
19 jail, juvenile detention facility or any other place of  
20 confinement.

21 § 2317. Procedures for collection and transmission of DNA  
22 samples.

23 (a) Collection of DNA samples.--

24 (1) Each DNA sample required to be collected pursuant to  
25 sections 2316 (relating to DNA sample required [upon  
26 conviction, delinquency adjudication and certain ARD cases])  
27 and 2316.1 (relating to collection from persons accepted from  
28 other jurisdictions) shall be collected as follows:

29 \* \* \*

30 ~~Section 4. Title 44 is amended by adding a section to read: <--~~

1 ~~§ 2318.1. Request for modified DNA search.~~

2 ~~(a) Procedure.~~

3 ~~(1) A criminal justice agency may request in writing~~  
4 ~~that the State Police perform a modified DNA search in an~~  
5 ~~unsolved case and shall provide information as required by~~  
6 ~~the State Police.~~

7 ~~(2) The State Police may grant a request to conduct a~~  
8 ~~modified DNA search if the State Police determine that the~~  
9 ~~request complies with subsection (d) (2).~~

10 ~~(b) Modified DNA search.~~

11 ~~(1) The State Police may conduct a modified DNA search~~  
12 ~~after the State Police grants a request under subsection (a)~~  
13 ~~(2).~~

14 ~~(2) The State Police may conduct a modified DNA search~~  
15 ~~in unsolved cases without the request of a criminal justice~~  
16 ~~agency if the State Police determine that it would have~~  
17 ~~granted a request had a request been made by a criminal~~  
18 ~~justice agency.~~

19 ~~(3) In all cases, the State Police shall use procedures~~  
20 ~~for conducting a modified DNA search that are consistent with~~  
21 ~~the rules, regulations and guidelines promulgated under~~  
22 ~~section 2318 (relating to procedures for conduct, disposition~~  
23 ~~and use of DNA analysis).~~

24 ~~(c) Release of information. The State Police shall provide~~  
25 ~~the requesting criminal justice agency with personally~~  
26 ~~identifying information of individuals whose DNA records were~~  
27 ~~identified through a modified DNA search.~~

28 ~~(d) Requirements.~~

29 ~~(1) The State Police shall require a criminal justice~~  
30 ~~agency to provide assurances and information in support of~~

1 ~~the request for a modified DNA search, including:~~

2 ~~(i) A representation that a modified DNA search is~~  
3 ~~necessary for law enforcement identification purposes in~~  
4 ~~an unsolved case.~~

5 ~~(ii) A representation that all other investigative~~  
6 ~~leads have been pursued.~~

7 ~~(iii) A commitment to further investigate the case~~  
8 ~~if personal identifying information from a modified DNA~~  
9 ~~search is provided.~~

10 ~~(iv) Any other information the State Police deem~~  
11 ~~necessary.~~

12 ~~(2) The State Police may grant a modified DNA search~~  
13 ~~request if the State Police determine that:~~

14 ~~(i) The crime scene DNA profile has sufficient size,~~  
15 ~~quality and integrity.~~

16 ~~(ii) The crime scene DNA profile has previously been~~  
17 ~~subjected to a routine DNA search against the State DNA~~  
18 ~~Data Base and the National DNA Index System.~~

19 ~~(iii) The modified DNA search is necessary for law~~  
20 ~~enforcement identification purposes in an unsolved case.~~

21 ~~(iv) The criminal justice agency has pursued all~~  
22 ~~other investigative leads.~~

23 ~~(v) Any relevant consideration, including factors or~~  
24 ~~requirements considered by any other jurisdiction,~~  
25 ~~supports granting the request.~~

26 ~~(3) The State Police procedures, promulgated under~~  
27 ~~section 2318, to conduct modified DNA searches shall be based~~  
28 ~~on scientifically valid and reliable methods to determine~~  
29 ~~that a crime scene DNA profile is sufficiently likely to have~~  
30 ~~originated from a close relative of an individual whose DNA~~

~~profile is recorded in the State DNA Data Base or the  
National DNA Index System. The State Police may require the  
following:~~

~~(i) An analysis of the rarity in the relevant  
population of each shared DNA characteristic.~~

~~(ii) An analysis of the pattern of shared DNA  
characteristics.~~

~~(iii) Y chromosome analysis.~~

~~(iv) Mitochondrial DNA analysis.~~

~~(v) Any other suitable method designed to determine  
that a crime scene DNA profile originated from a close  
relative of an individual in the State DNA Data Base or  
the National DNA Index System.~~

Section 5 4. Section 2319 of Title 44 is amended by adding a <--  
subsection to read:

§ 2319. DNA data base exchange.

\* \* \*

(d) Separate category.--The State Police shall create a  
separate category within the State DNA Data Base to store DNA  
samples and records collected upon arrest under section  
2316(c.1) (relating to DNA sample required).

Section 6. ~~Sections 2321(b.1)(1)~~ 5. SECTIONS 2321(B.1) and <--  
2322 of Title 44 are amended to read:

§ 2321. Expungement.

\* \* \*

(b.1) Expungement by court order.--The following shall  
apply:

(1) Except as provided under **[paragraph (2)]** PARAGRAPHS <--  
(2) AND (3), a person may request the court of common pleas  
of the county where the original charges were filed or an <--

1 ~~arrest was made~~ OR WHERE THE ARREST FOR WHICH THE DNA SAMPLE, <--  
2 RECORD OR PROFILE WAS MADE to issue an order directing the  
3 expungement of the DNA sample, record or profile pertaining  
4 to the person in the State DNA Data Bank or the State DNA  
5 Data Base in the following instances:

6 (i) the conviction or delinquency adjudication for  
7 which the person's DNA sample was collected has been  
8 reversed and no appeal is pending;

9 (i.1) the charge for which the DNA sample was taken  
10 has been dismissed, no appeal is pending and the  
11 prosecuting authority is barred from further prosecution;

12 (i.2) there has been a judgment of acquittal on the  
13 charge for which the DNA sample was taken and no further  
14 appeal is pending;

15 (i.3) the person from whom the DNA sample was taken  
16 was not charged with a crime for which a DNA sample is  
17 authorized to be taken under this chapter;

18 (i.4) the prosecuting authority has expressly  
19 declined to prosecute the charge for which the DNA sample  
20 was taken;

21 (i.5) the charge for which the DNA sample was taken  
22 was not filed within the statute of limitations;

23 (ii) the person was granted an unconditional pardon  
24 for the crime for which the DNA sample was taken; or

25 (iii) the DNA sample, record or profile was included  
26 in the State DNA Data Bank or State DNA Data Base by  
27 mistake and the State Police has erroneously refused to  
28 grant the person's request for removal under subsection  
29 (b).

30 (2) PARAGRAPH (1) SHALL NOT APPLY IF THE PERSON HAS BEEN <--

1 ARRESTED, CONVICTED OR ADJUDICATED DELINQUENT FOR ANY OTHER  
2 CRIME FOR WHICH A DNA SAMPLE IS REQUIRED TO BE COLLECTED  
3 UNDER THIS CHAPTER.

4 (3) THE COURT SHALL GIVE [10] 30 DAYS' PRIOR NOTICE TO  
5 THE DISTRICT ATTORNEY OF THE COUNTY WHERE THE ORIGINAL  
6 CHARGES WERE FILED OF AN APPLICATION FOR EXPUNGEMENT UNDER  
7 THIS SUBSECTION.

8 (4) NOTWITHSTANDING ANY OTHER LAW OR RULE OF COURT, THE  
9 COURT SHALL HAVE NO AUTHORITY TO ORDER THE EXPUNGEMENT OF A  
10 DNA SAMPLE, RECORD OR PROFILE IN THE STATE DNA DATA BANK OR  
11 THE STATE DNA DATA BASE EXCEPT AS PROVIDED UNDER THIS  
12 SUBSECTION.

13 \* \* \*

<--

14 \* \* \*

<--

15 § 2322. Mandatory cost.

16 Unless the court finds that undue hardship would result, a  
17 mandatory cost of \$250, which shall be in addition to any other  
18 costs imposed pursuant to statutory authority, shall  
19 automatically be assessed on any person convicted, adjudicated  
20 delinquent or granted ARD for criminal homicide, a felony sex  
21 offense or other specified offense, and all proceeds derived  
22 from this section shall be transmitted to the fund.

23 ~~Section 7. This act shall take effect in 60 days.~~

<--

24 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

<--

25 (1) THE ADDITION OF 44 PA.C.S. § 2316(C.1)(2) SHALL TAKE  
26 EFFECT IN 365 DAYS.

27 (2) THE ADDITION OF 44 PA.C.S. § 2316(C.1)(3) SHALL TAKE  
28 EFFECT IN 18 MONTHS.

29 (3) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

30 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 180



1 DAYS.