

HOUSE BILL NO. 117

INTRODUCED BY C. HUNTER

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN ADULT OFFENDERS SUBJECT TO SUPERVISION BY THE DEPARTMENT OF CORRECTIONS PURSUANT TO THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION TO PROVIDE A BIOLOGICAL SAMPLE FOR DNA TESTING; AMENDING SECTION 44-6-103, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-6-103, MCA, is amended to read:

"44-6-103. Collection of samples and maintenance of data. (1) Following entry of judgment, a person convicted of a felony offense, a youth found under 41-5-1502 to have committed a sexual or violent offense, or a defendant ordered under 46-18-202 to provide a biological sample for DNA testing, or an adult offender convicted in another state and sentenced to death or imprisonment for more than 1 year who is subject to supervision by the department of corrections pursuant to the Interstate Compact for Adult Offender Supervision provided for in 46-23-1115 shall provide a biological sample for DNA analysis to determine identification characteristics specific to the person. The sample must be provided to the department of corrections if the person is incarcerated in a facility administered by the department of corrections. If the person is not incarcerated in a facility administered by the department of corrections, the sample must be provided to a person or entity designated by the county sheriff.

(2) The biological sample must be collected, stored, and sent by the department of corrections or the person or entity designated by the county sheriff under subsection (1) to the department for entry in the DNA identification index in accordance with rules adopted by the department with the advice of the department of public health and human services.

(3) The offender is responsible, if able to pay, for the cost of the collection of the sample. The fees charged for the collection may not exceed the actual costs of collection.

(4) The forensic DNA laboratory may perform DNA analysis only for those markers that have value for law enforcement identification purposes.

