

ARIZONA REVISED STATUTES (A.R.S.)

**CHAPTER 6. CLASSIFICATIONS OF OFFENSES AND
AUTHORIZED DISPOSITIONS OF OFFENDERS**

§ 13-610. Deoxyribonucleic acid testing; exception

A. Within thirty days after a person is sentenced to the state department of corrections or a person who is accepted under the interstate compact for the supervision of parolees and probationers arrives in this state, the state department of corrections shall secure a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing and extraction from the person if the person was convicted of an offense listed in this section and was sentenced to a term of imprisonment or was convicted of any offense that was committed in another jurisdiction that if committed in this state would be a violation of any offense listed in this section and the person is under the supervision of the state department of corrections. The state department of corrections shall transmit the sample to the department of public safety.

B. Within thirty days after a person is placed on probation and sentenced to a term of incarceration in a county jail detention facility or is detained in a county juvenile detention facility, the county detention facility shall secure a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing and extraction from the person if the person was convicted of or adjudicated delinquent for an offense listed in this section. The county detention facility shall transmit the sample to the department of public safety.

C. Within thirty days after a person is convicted and placed on probation without a term of incarceration or adjudicated delinquent and placed on probation, the county probation department shall secure a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing and extraction from the person if the person was convicted of or adjudicated delinquent for an offense listed in this section. The county probation department shall transmit the sample to the department of public safety.

D. Within thirty days after the arrival of a person who is accepted under the interstate compact for the supervision of parolees and probationers and who is under the supervision of a county probation department, the county probation department shall secure a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing and extraction from the person if the person was convicted of an offense that was committed in another jurisdiction that if committed in this state would be a violation of any offense listed in this section and was sentenced to a term of probation. The county probation department shall transmit the sample to the department of public safety.

E. Within thirty days after a juvenile is committed to the department of juvenile corrections, the department of juvenile corrections shall secure a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing and extraction from the youth if the youth was adjudicated delinquent for an offense listed in this section and was committed to a secure care facility. The department of juvenile corrections shall transmit the sample to the department of public safety.

F. Within thirty days after the arrival in this **state of a juvenile who is** accepted by the department of juvenile corrections pursuant to the interstate compact on juveniles and who was adjudicated for an offense that was committed in another jurisdiction that if committed in this state would be a violation of any offense listed in this section, the compact administrator shall request that the sending state impose as a condition of supervision that the juvenile submit a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing. If the sending state does not impose that condition, the department of juvenile corrections shall request a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing within thirty days after the juvenile's arrival in this state. The department of juvenile corrections shall transmit the sample to the department of public safety.

G. Notwithstanding subsections A through F of this section, the agency that is responsible for securing a sample pursuant to this section shall not secure the sample if the scientific criminal analysis section of the department of public safety has previously received and maintains a sample sufficient for deoxyribonucleic acid testing.

H. The department of public safety shall do all of the following:

1. Conduct or oversee through mutual agreement an analysis of the samples that it receives pursuant to subsection N, paragraphs 1 and 2 of this section and subsection O, paragraphs 1, 2, and 3 of this section.
2. Store the samples it receives pursuant to subsection N, paragraphs 4 and 5 of this section and subsection O, paragraphs 3 and 4 of this section and conduct an analysis of the samples on receipt of the funding necessary for this purpose.
3. Make and maintain a report of the results of each deoxyribonucleic acid analysis.
4. Maintain samples of blood and other bodily substances for at least thirty-five years.

I. Any sample and the result of any test that is obtained pursuant to this section may be used only as follows:

1. For law enforcement identification purposes.
2. In a proceeding in a criminal prosecution or juvenile adjudication.
3. In a proceeding under title 36, chapter 37.

J. If the conviction of a person who is subject to this section is overturned on appeal or post conviction relief and a final mandate has been issued, on petition of the person to the superior court in the county in which the conviction occurred, the court shall order that the person's deoxyribonucleic acid profile resulting from that conviction be expunged from the Arizona deoxyribonucleic acid identification system established by section 41-2418 unless the person has been convicted of another offense that would require the person to submit to deoxyribonucleic acid testing pursuant to this section.

K. If the conviction of a person who is subject to this section is classified as a misdemeanor pursuant to section 13-702, on petition of the person to the superior court in the county in which the conviction occurred, the court shall order that the person's deoxyribonucleic acid profile resulting from that conviction be expunged from the Arizona deoxyribonucleic acid identification system unless the person has been convicted of another offense that would require the person to submit to deoxyribonucleic acid testing pursuant to this section.

L. A person who was convicted or adjudicated delinquent before the applicable date provided in this section for any offense for which a sufficient sample of blood or other bodily substance for deoxyribonucleic acid testing and extraction is required to be secured shall have a sample secured if the person is in the custody of the state department of corrections, the department of juvenile corrections or a county jail detention facility or is under the supervision of a probation department on the applicable date listed in subsection N or O of this section. The sample shall be secured within one hundred eighty days after the applicable date listed in subsection N or O of this section.

M. If any sample that is submitted to the department of public safety under this section is found to be unacceptable for analysis and use or cannot be used by the department, the department shall require that another sample of blood or other bodily substances be secured pursuant to this section.

N. This section applies to persons who are convicted of the following offenses:

1. A violation of or an attempt to violate any offense in chapter 11 of this title, any felony offense in chapter 14 or 35.1 of this title or section 13-1507, 13-1508 or 13-3608.
2. Any offense for which a person is required to register pursuant to section 13-3821.
3. Any offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury as provided in section 13-604.
4. A violation of any felony offense in chapter 34 of this title.
5. Beginning on January 1, 2004, a violation of any felony offense.

O. This section applies to persons who are adjudicated delinquent for the following offenses:

1. A violation or an attempt to violate any offense in chapter 11 of this title, any felony offense in chapter 14 or 35.1 of this title or section 13-1507, 13-1508 or 13-3608.
2. Any offense for which a person is required to register pursuant to section 13-3821.
3. A violation of any felony offense in chapter 34 of this title that may be prosecuted pursuant to section 13-501, subsection B, paragraph 2.
4. Beginning on January 1, 2004, a violation of any felony offense that is listed in section 13-501.

§ 13-610 – version 2 repealed.

Section 13-610, Arizona Revised Statutes, as amended by Laws 2002, chapter 107, section 1, is repealed.

§ 41-2419. Arizona deoxyribonucleic acid identification system fund

A. The Arizona deoxyribonucleic acid identification system fund is established. The Arizona deoxyribonucleic acid identification system fund consists of monies collected pursuant to section 12-116.01 and distributed pursuant to section 41-2401, subsection D, paragraph 6, monies collected pursuant to section 12-116.01, subsection C and distributed pursuant to section 12-116.01, subsection J and monies contributed to the fund from any other source. On notice from the department of public safety, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

B. The department of public safety shall administer the fund.

C. Subject to legislative appropriation, monies in the fund shall be used for implementing, operating and maintain deoxyribonucleic acid testing and for the costs of administering the system.