

COMMITTEE ON HOMELAND SECURITY, JUSTICE
AND PUBLIC SAFETY

BILL NO. 31-0260

Thirty-first Legislature of the Virgin Islands

November 23, 2015

An Act amending title 5, subtitle 3, part II, chapter 345, sections 4201 and 4203 of the Virgin Islands Code by permitting the collection of a DNA sample from any person charged with an applicable offense

PROPOSED BY: Senator Novelle E. Francis, Jr.

1 **WHEREAS**, in 2003, a New Mexico State University graduate student by the name of
2 Katie Sepich, was brutally raped and strangled. Her body was discovered by police, burned and
3 abandoned at an old dumpsite on the out skirts of Las Cruces, New Mexico; and

4 **WHEREAS**, three years later her murderer was found only after DNA from an
5 incarcerated felon serving time for aggravated burglary was identified as that of the perpetrator;
6 and

7 **WHEREAS**, had there been legislation in place that mandated the collection of DNA from
8 all persons arrested on felony charges, Sepich would have been linked immediately to Katie's
9 murder because in her struggle for her life Katie had collected his skin and blood under her
10 fingernails; and

1 **WHEREAS**, in 2006 the New Mexico Legislature took a proactive stance by passing
2 “Katie’s Law”, which was promptly signed by their Governor, requiring DNA samples upon all
3 felony arrests; and

4 **WHEREAS**, in January 2013, Congress acted decisively to create a grant to encourage
5 states to pass arrestee DNA laws. The new grant, supported overwhelmingly in both the Senate
6 and the House was made available in 2014 to assist states and territories with meeting start-up
7 funding costs associated with arrestee DNA programs; and

8 **WHEREAS**, on June 3, 2013, the U.S. Supreme Court, in the case of *Maryland v. King*,
9 upheld “Katie’s Law” denying a challenge that laws to require DNA upon arrest were a violation
10 of Fourth Amendment rights. In calling the case, “perhaps the most important criminal procedure
11 case this Court has heard in decades,” the justices stated that “DNA is like fingerprinting and
12 photographing, a legitimate police booking procedure that is reasonable under the Fourth
13 Amendment,”; and

14 **WHEREAS**, on Thursday, January 10, 2013, President Barack Obama signed into law the
15 Katie Sepich Act, to offer startup costs to states and territories that do not have DNA collection
16 procedures upon arrest; Now, Therefore,

17 ***Be it enacted by the Legislature of the Virgin Islands:***

18 **SECTION 1.** Title 5, subtitle 3, part II, chapter 345 of the Virgin Islands Code is amended
19 as follows:

20 (a) In section 4201(f), by deleting the words “convicted and sentenced for” and
21 inserting in their place the words “charged with or convicted of”.

22 (b) In section 4203(b), by inserting before the words “convicted of” the words “charged
23 with or”.

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BILL SUMMARY

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This bill amends title 5, subtitle 3, part II, chapter 345, sections 4201 and 4203 of the Virgin Islands Code by permitting the collection of a DNA sample from any person charged with an applicable offense.

BR15-0569/April 13, 2015/ AA