

## **HB 833 – Unlawful Use of DNA (Identical SB 1140)**

This bill amends s. 760.40, F.S., deleting much of the language and the 1<sup>st</sup> degree misdemeanor for unauthorized DNA analysis, and creates s. 817.5655, F.S., with new language that enhances the authorization required for lawful DNA analysis. Additionally, a **1<sup>st</sup> degree misdemeanor** is created for “willfully, and without authorization,” collecting or retaining “another person's DNA sample with the intent to perform DNA analysis.” An **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)** is created for “a person to willfully, and without authorization, submit another person's DNA sample for DNA analysis or to conduct or procure the conducting of another person's DNA analysis.” Additionally, an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)** is created for “a person to willfully, and without authorization, disclose another person's DNA analysis results to a third party.” Finally, “each instance of collection or retention, submission or analysis or disclosure in violation of this section constitutes a separate violation for which a separate penalty is authorized.”

Per FDLE, there were no arrests in FY 18-19 or FY 19-20 for the current 1<sup>st</sup> degree misdemeanor. Per DOC, in FY 18-19, the incarceration rate for a Level 1, 3<sup>rd</sup> degree felony was 9.5%, and in FY 19-20 the incarceration rate was 8.1%.

**CONFERENCE ADOPTED ESTIMATE: Positive Insignificant**

**Requested by: House**