

Fiftieth Legislature  
First Regular Session

COMMITTEE ON JUDICIARY  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1367  
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 8-238, Arizona Revised Statutes, is amended to  
3 read:

4 **8-238. Advisory hearing: DNA**

5 A. If a juvenile is ~~arrested for~~ CHARGED WITH a violation of any of  
6 the following offenses and is summoned to appear at an advisory hearing, the  
7 judicial officer shall order the juvenile to report within five days to the  
8 law enforcement agency that ~~arrested~~ INVESTIGATED the juvenile or to the  
9 agency's designee and submit a sufficient sample of buccal cells or other  
10 bodily substances for deoxyribonucleic acid testing and extraction:

- 11 1. An offense listed in title 13, chapter 11.  
12 2. A violation of section 13-1402, 13-1403, 13-1404, 13-1405, 13-1406,  
13 13-1410, 13-1411 or 13-1417.

14 3. A violation of section 13-1507 or 13-1508.  
15 4. A violation of any serious offense as defined in section 13-706  
16 that is a dangerous offense as defined in section 13-105.

17 B. If a juvenile does not comply with an order issued pursuant to  
18 subsection A of this section, the court shall revoke the juvenile's release.

19 C. THE INVESTIGATING LAW ENFORCEMENT AGENCY OR ITS DESIGNEE SHALL  
20 TRANSMIT THE SAMPLE TO THE DEPARTMENT OF PUBLIC SAFETY

21 D. THE PROCEDURES FOR THE COLLECTION, ANALYSIS, USE, MAINTENANCE AND  
22 EXPUNGEMENT OF SAMPLES AS PROVIDED IN SECTION 13-610, SUBSECTIONS H, I, J, K,  
23 M AND N, ARE APPLICABLE TO SAMPLES COLLECTED PURSUANT TO THIS SECTION.

24 Sec. 2. Intent

25 It is the intent of the legislature to clarify that samples that are  
26 collected pursuant to section 8-238, Arizona Revised Statutes, shall be  
27 collected, analyzed, used, maintained and expunged in the same manner as  
28 samples collected pursuant to section 13-610, Arizona Revised Statutes."

29 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH  
Chairman

1367-se-jud

3/24/11

H:jmb