

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 674

Short Title: Require DNA for Various Charges/DNA Kit Funds. (Public)

Sponsors: Representatives Richardson, Szoka, and Wheatley (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

April 27, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT A DNA SAMPLE BE OBTAINED FROM ANY PERSON WHO IS ARRESTED FOR COMMITTING VARIOUS ASSAULT AND DOMESTIC VIOLENCE OFFENSES AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 15A-266.3A reads as rewritten:

**"§ 15A-266.3A. DNA sample required for DNA analysis upon arrest for certain offenses.**

(a) Unless a DNA sample has previously been obtained by lawful process and the DNA record stored in the State DNA Database, and that record and sample has not been expunged pursuant to any provision of law, a DNA sample for DNA analysis and testing shall be obtained from any person who is arrested for committing an offense described in subsection ~~(f)~~(f), (f1), or (g) of this section.

...

(f) This section applies to a person arrested for violating any one of the following offenses in Chapter 14 of the General Statutes:

...

- (4) G.S. 14-28, Malicious castration; G.S. 14-29, Castration or other maiming without malice aforethought; G.S. 14-30, Malicious maiming; G.S. 14-30.1, Malicious throwing of corrosive acid or alkali; G.S. 14-31, Maliciously assaulting in a secret manner; G.S. 14-32, Felonious assault with deadly weapon with intent to kill or inflicting serious injury; G.S. 14-32.1(e), Aggravated assault or assault and battery on an individual with a disability; G.S. 14-32.2(a) when punishable pursuant to G.S. 14-32.2(b)(1), Patient abuse and neglect, intentional conduct proximately causes death; G.S. 14-32.3(a), Domestic abuse of disabled or elder adults resulting in injury; G.S. 14-32.4, Assault inflicting serious bodily injury or injury by strangulation; G.S. 14-33(c)(2), Assault on a female by a male person at least 18 years of age; G.S. 14-33(c)(3), Assault on a child under the age of 12 years; G.S. 14-33.2, Habitual misdemeanor assault; G.S. 14-34.1, Discharging certain barreled weapons or a firearm into occupied property; G.S. 14-34.2, Assault with a firearm or other deadly weapon upon governmental officers or employees, company police officers, or campus police officers; G.S. 14-34.4, Adulterated or misbranded food, drugs, etc.; intent to cause serious injury or death; intent to extort; G.S. 14-34.5, Assault with a firearm on a law



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1 enforcement, probation, or parole officer or on a person employed at a State  
2 or local detention facility; G.S. 14-34.6, Assault or affray on a firefighter, an  
3 emergency medical technician, medical responder, emergency department  
4 nurse, or emergency department physician; G.S. 14-34.7, Assault inflicting  
5 serious injury on a law enforcement, probation, or parole officer or on a person  
6 employed at a State or local detention facility; G.S. 14-34.9, Discharging a  
7 firearm from within an enclosure; and G.S. 14-34.10, Discharge firearm  
8 within enclosure to incite fear.

9 ...

10 (8a) G.S. 14-163.1(a1), Assaulting a law enforcement agency animal, an assistance  
11 animal, or a search and rescue animal willfully killing the animal.

12 ...

13 (f1) This section applies to a person arrested for violating any one of the offenses found  
14 in G.S. 50B-4.1.

15 (g) This section also applies to a person arrested for attempting, solicitation of another to  
16 commit, conspiracy to commit, or aiding and abetting another to commit, any of the violations  
17 included in ~~subsection~~ subsections (f) and (f1) of this section.

18 ...."

19 **SECTION 1.(b)** G.S. 15A-266.2 reads as rewritten:

20 "**§ 15A-266.2. Definitions.**

21 As used in this Article, unless another meaning is specified or the context clearly requires  
22 otherwise, the following terms have the meanings specified:

23 (1) "Arrestee" means any person arrested for an offense in ~~G.S. 15A-266.3A(f)~~  
24 G.S. 15A-266.3A(f), (f1), or (g).

25 ...."

26 **SECTION 1.(c)** This section becomes effective December 1, 2021, and applies to  
27 offenses committed on or after that date.

28 **SECTION 2.(a)** There is appropriated from the General Fund to the Department of  
29 Justice one million seventy-nine thousand twenty-two dollars (\$1,079,022) in recurring funds for  
30 both fiscal years of the 2021-2023 fiscal biennium to be allocated to the State Crime Laboratory  
31 to be used as follows:

- 32 (1) \$630,000 to be used for supplies and collection kits for DNA testing.  
33 (2) \$449,022 to be used for two full-time forensic scientist positions and four  
34 full-time criminal justice specialist/investigator positions.

35 **SECTION 2.(b)** This section becomes effective July 1, 2021.

36 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
37 law.