

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 600

SENATORS TRUMP AND BOSO, *original sponsors*

[Passed March 8, 2019; in effect from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §15A-1-8, relating generally to preservation of biological evidence obtained
3 through criminal investigations and criminal trials; directing the Secretary of Military Affairs
4 and Public Safety to investigate methods of storage and preservation of biological
5 materials obtained by law enforcement in criminal investigations and criminal
6 prosecutions; directing the Secretary of Military Affairs and Public Safety to submit to the
7 Senate President and Speaker of the House of Delegates a proposed plan, along with
8 proposed legislation, creating a program for the centralized storage and preservation of
9 biological evidence obtained in criminal investigations and criminal trials throughout the
10 state; requiring that such plan and proposed legislation be submitted on or before January
11 1, 2020; and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEFINITIONS: GENERAL PROVISIONS.

§15A-1-8. Preservation of biological evidence from criminal cases; directing Secretary to undertake a study and report to the Legislature.

1 (a) As used in this section:
2 (1) "Biological evidence" means:
3 (A) A sexual assault forensic examination kit; or
4 (B) Semen, blood, saliva, hair, human body tissue, or other biological material containing
5 human DNA.
6 (2) "DNA" means deoxyribonucleic acid.
7 (3) "Secretary" means the Secretary of Military Affairs and Public Safety.
8 (b) The Secretary of Military Affairs and Public Safety shall undertake an investigation of
9 effective modes and methods of storing and preserving biological materials obtained by law
10 enforcement in criminal investigations and criminal prosecutions.

11 (c) On or before January 1, 2020, the Secretary shall submit to the President of the Senate
12 and the Speaker of the House of Delegates a proposed plan, along with proposed legislation,
13 creating within the department a program for the centralized storage and preservation of biological
14 evidence obtained in criminal investigations and criminal trials throughout the state.

15 (d) It is the intent of the Legislature in enacting this section to acknowledge the importance
16 of biological evidence and to recognize that improvements in technology make biological evidence
17 ever more important in identifying criminal perpetrators and protecting innocent persons.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2019.

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Governor