

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 600

SENATORS TRUMP AND BOSO, *original sponsors*

[Originating in the Committee on the Judiciary;

Reported on February 23, 2019]

1 A BILL 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 preservation of biological evidence and
5 developing a proposal for the centralized storage and preservation of biological materials
6 obtained in criminal matters statewide; requiring the Secretary of Military Affairs and Public
7 Safety to supply the Senate President and Speaker of the House of Delegates with
8 proposals for such a plan along with proposed legislation; and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEFINITIONS: GENERAL PROVISIONS.

§15-1-8. 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.