

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2612

By Delegates Akers and Roop

[Introduced February 19, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §15-2B-10 of the Code of West Virginia, 1931, as amended, relating
2 to clarifying when DNA records may be used.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2B. DNA DATA.

§15-2B-10. DNA database exchange.

1 (a) The West Virginia State Police shall receive DNA samples, store, analyze, classify and
2 file the DNA records consisting of all identification characteristics of DNA profiles from DNA
3 samples submitted pursuant to the procedures for conducting DNA analysis of DNA samples.

4 (b) The West Virginia State Police may furnish DNA records to authorized law-enforcement
5 and governmental agencies of the United States and its territories, of foreign countries duly
6 authorized to receive them, of other states within the United States and of the State of West
7 Virginia upon proper request stating that the DNA records requested will be used solely:

8 (1) For law enforcement identification purposes by criminal justice agencies;

9 (2) In judicial proceedings, if otherwise expressly permitted by state or federal laws;

10 (3) If personal identifying information is removed, for a population statistics database, for
11 identification research and protocol development purposes, or for quality control purposes; ~~or~~

12 (4) For the identification of unidentified human remains, missing persons and relatives of
13 missing persons; or

14 (5) For specific individuals pursuant to a Circuit Court Order to resolve paternity in a
15 pending abuse and neglect case.

16 (c) The Superintendent of the West Virginia State Police shall promulgate legislative rules
17 pursuant to chapter twenty-nine-a of this code governing the methods by which any law-
18 enforcement agency or other authorized entity may obtain information from the state DNA
19 database consistent with this section and federal law.

20 (d) The West Virginia State Police may release DNA samples, without personal identifying
21 information, to any agency or entity with which the West Virginia State Police contracts pursuant to

22 section five of this article.

23 (e) The West Virginia State Police may release DNA samples for criminal defense and
24 appeal purposes, to a defendant who is entitled to access to samples and analysis performed in
25 connection with the case in which the defendant is charged or was convicted.

26 (f) Searches of the state DNA database shall be performed in accordance with state and
27 federal law and procedures.

NOTE: The purpose of this bill is to allow a DNA sample previously collected following a qualifying conviction as set forth in §15-2B-6 of this code to be used to resolve paternity in a pending abuse and neglect case pursuant to a Circuit Court Order.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.