

LEGISLATURE OF THE VIRGIN ISLANDS

**CERTIFICATE OF ENACTMENT
NOTWITHSTANDING THE GOVERNOR'S VETO**

THIS IS TO CERTIFY THAT, Bill No. 31-0260 - An Act amending title 5, subtitle 3, part II, chapter 345, sections 4201 and 4203 of the Virgin Islands Code by permitting the collection of a DNA sample from any person charged with an applicable offense, enacted by the Thirty-first Legislature at its regular session held on February 26, 2016, (a copy of which is attached hereto) and vetoed by the Governor on March 23, 2016, was duly enacted, by override, by the Thirty-first Legislature at its regular session on March 30, 2016, pursuant to section 9(d) of the Revised Organic Act of the Virgin Islands, 48 U.S.C. §1575 (d), notwithstanding the Governor's veto and has become law.

DATED: 4/13/16



Neville A. James
President



ATTEST:



Myron D. Jackson
Legislative Secretary

OVERRIDDEN

DATE: 03/30/2016

ACT NO. 7871

VETOED
MAR 23 2016

GOVERNOR

BILL NO. 31-0260

THIRTY-FIRST LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2016

An Act amending title 5 subtitle 3, part II, chapter 345, sections 4201 and 4203 of the Virgin Islands Code by permitting the collection of a DNA sample from any person charged with an applicable offense

---0---

WHEREAS, in 2003 Katie Sepich, a New Mexico State University graduate student, was brutally raped and strangled. Her body was discovered by police burned and abandoned at an old dumpsite on the outskirts of Las Cruces, New Mexico; and

WHEREAS, three years later her murderer was found only after DNA from an incarcerated felon serving time for aggravated burglary was identified as that of the perpetrator; and

WHEREAS, had there been legislation in place that mandated the collection of DNA from all persons arrested on felony charges, the perpetrator would have been linked immediately to Katie's murder because in her struggle for her life, Katie had collected his skin and blood under her fingernails; and

WHEREAS, in 2006, the New Mexico Legislature took a proactive stance by passing "Katie's Law", which was promptly signed by their Governor, requiring DNA samples upon all felony arrests; and

WHEREAS, in January 2013, the United States Congress acted decisively to create a grant to encourage states to pass arrestee DNA laws. The new grant, supported overwhelmingly in both the Senate and the House of Representatives, was made available in 2014 to assist states and territories with meeting start-up funding costs associated with arrestee DNA programs; and

WHEREAS, on June 3, 2013, the U.S. Supreme Court, in the case of *Maryland v. King*, 133 S. Ct. 1958 (2013), upheld "Katie's Law" denying a challenge that laws to require DNA upon arrest were a violation of Fourth Amendment rights. In calling the case, "perhaps the most important criminal procedure case this Court has heard in decades," the justices stated that

"DNA is like fingerprinting and photographing, a legitimate police booking procedure that is reasonable under the Fourth Amendment."; and

WHEREAS, on Thursday, January 10, 2013, President Barack Obama signed into law the Katie Sepich Act, to offer startup costs to states and territories that do not have DNA collection procedures upon arrest; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 5, Virgin Islands Code subtitle 3, part II, chapter 345 is amended as follows:

(a) In section 4201(f), by deleting the words "convicted and sentenced for" and inserting in their place the words "charged with or convicted of".

(b) In section 4203(b), by inserting before the words "convicted of" the words "charged with or".

Thus passed by the Legislature of the Virgin Islands on February 26, 2016.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 11th Day of March, A.D., 2016.



Neville James
Neville James
President

Myron D. Jackson
Myron D. Jackson
Legislative Secretary