

**Presidential Bulletin No. 6667**

**101 Republic of China, January 4<sup>th</sup>, 2012**

**DNA sampling is hereby amended regulations first, third, fifth to the seventh section, Section 52 and the provisions of Article XIV, published.**

**Total**

**President Ma Ying-jeou  
Premier Wu Den-yih leave  
Acting vice president Joan Chen  
Interior Minister Jiang Yi Hua**

DNA samples Regulations amend the first, third, fifth to the seventh section Section, the provisions of Article 12 and Article XIV 101 Republic of China announced on January 4

Objective

To safeguard the people's security, to assist forensic Alerts Missing Persons, indeed Scheduled parent-child blood, enhance the effectiveness of crime investigation, the effective control of crime, especially the development of this ordinance.

Provided in the regulations are not applicable to other relevant laws.

**Article 1**

Definitions - terms of this ordinance are defined as follows:

First - the DNA: the genetic message refers to the body of chemicals recorded quality.

Second - the DNA sample: refers to the human body contains deoxyribonucleic acid collected from biological samples.

Third - the DNA records: refers to the DNA samples to analysis of the scientific method, obtained the information sufficient to identify the genetic characteristics.

Fourth - the frequency of DNA type: refers to the use of the competent authority the identification system, in a particular population, DNA type repetition of the frequency.

Fifth - DNA database: refers to the competent authority established by the storage Oxygen RNA record the information system.

Six - DNA population statistical database: refers to the construction of the competent authority stand on the frequency of DNA types of information systems.

**Article 2**

The defendant committed the following crimes or criminal suspects will be required surrender a DNA sample:

1. Chapter Offenses Against Public Safety Criminal Law Article 173 first and third
  - a. Item, Article 174 first, second and fourth,
  - b. Article 175 first.
2. The criminal offense of obstruction of sexual autonomy of Chapter 121 to two hundred and twentieth
  - a. 27, Article 228, Article 229 of the crime.
3. The criminal homicide of Article 171 of Chapter crime.
4. Criminal assault, Article 177 of Chapter the second, two hundred and seventy Eighteen of the crime.
5. The crime of criminal law to snatch bandits and pirates Chapter III Article 125 second
  - a. The third 126 to Article 334 of the crime.
6. Criminal intimidation and kidnappings.

After committing the crime of conviction following OK, repeat the sin of the key sections are report or the suspect, should be subject to a mandatory DNA sampling:

1. Chapter Offenses Against Public Safety Criminal Law Article 183 first and fourth
  - a. Items, the first Article 184, the second and fifth,
  - b. Article 185
  - c. Article 186 first, second and fourth,
  - d. Article 187,
  - e. Article 189 first, second and fifth,
  - f. Article 190 T first, second and fourth,
  - g. Article 191 and deliberately made Article 176 of the crime.
2. The criminal offense of obstruction of freedom of Chapter 196
  - a. Six and section three hundred and two of the crime.
3. The criminal law the crime of theft, III of chapter 121 of the crime.
4. Fourth, criminal bandits and pirates rob Chapter III crime of the first Article 125
5. Knives and guns and ammunition regulations Article VII, VIII, XII and Article XIII of the crime.
6. Drug Control Act Regulations Article to Article VIII, X and section twelve of the crime.

### **Article 3**

Court or the Prosecutor believes it necessary for DNA comparison, the summons shall notify the person listed in the preceding article accepted DNA sampling.

The summons should be recorded in the preceding paragraph of the DNA sampling of the subject.

The first notice of the summons by the person without justification refusing to surrender his or her DNA, the court or the prosecutor will be summoned and will force sampling.

Summoned before the entry application warrant, arrest warrant should be documented to accept strong DNA control sample of the subject.

#### Article 4

Judicial police authorities in accordance with Article V implementation of mandatory DNA sampling before, notice shall inform the suspect or the accused, without proper notification by the legal reason not to attend who were reported to prosecutors issued arrest warrant.

In the preceding paragraph shall include the following notice by the head of the judicial police Executive signature:

1. A person's name or by sampling sufficient to identify the characteristics, gender, age
  - a. And the domicile or residence.
2. The cause of action and accept the DNA sampling of the subject.
3. Should go to the day when the premises.
4. The scene who is not without good reason, may report to the prosecutor issued arrest warrant.
5. Notice of the preceding paragraph, mutatis mutandis, the provisions of Article 79 of the Criminal Procedure Law.

#### **Article 5**

Under this Ordinance, sampling, storage of DNA samples and records, the former were at least 10 years of which at least should be sampled to death to save 10 years. Acceptance sampling in accordance with Article V of the people, by the action or not to prosecute the guilty by the court decisions have determined, the competent authority shall remove their DNA samples and records; May also apply for the sampled person removed. However, there is the case involving his case should be forced to sample who may not be removed.

Paragraph 1 of Article VIII certificate should be recorded in the preceding paragraph of the rights of people sampled.

DNA samples of the acquisition criteria, by the competent authority.

DNA samples of the identification, storage, management, and records destruction

The establishment, use, offer, delete, and supervision and management shall be prescribed by the competent authority of determined.

#### **Article 6**

These regulations one year after implementation.

Amend the provisions of this Ordinance, since the publication of six months after implementation