

**SENATE CS FOR CS FOR HOUSE BILL NO. 27(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/9/95**

**Referred: Finance**

**Sponsor(s): REPRESENTATIVES PARNELL, Toohey, B.Davis, Porter, Green, Bunde, Kohring, Ogan, Hanley, Kubina**

**SENATORS Leman, Pearce, Taylor, Miller**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act directing the Department of Public Safety to establish and maintain a  
2 deoxyribonucleic acid (DNA) identification registration system and requiring DNA  
3 registration by persons convicted of a felony crime against a person and of  
4 minors 16 years of age or older who are adjudicated a delinquent for an act  
5 that would be a felony crime against a person if committed by an adult; and  
6 providing for an effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 \* **Section 1.** AS 22.20 is amended by adding a new section to read:

9 **ARTICLE 4. JUDICIAL COUNCIL.**

10 **Sec. 22.20.200. DNA EVIDENCE INFORMATION.** The judicial council shall  
11 periodically review and distribute information relevant to the technical, legal, and  
12 scientific use of deoxyribonucleic acid (DNA) profiles in criminal proceedings to

13 (1) judges and magistrates;

- 1 (2) the Department of Law;
- 2 (3) the Public Defender Agency;
- 3 (4) the office of public advocacy.

4 \* **Sec. 2.** AS 44.41 is amended by adding a new section to read:

5 Sec. 44.41.035. DNA IDENTIFICATION SYSTEM. (a) To support criminal  
6 justice services in this state, the Department of Public Safety shall establish a  
7 deoxyribonucleic acid (DNA) identification registration system.

8 (b) The Department of Public Safety shall collect for inclusion into the DNA  
9 registration system a blood sample, oral sample, or both, from (1) a person convicted  
10 of a crime against a person, and (2) a minor 16 years of age or older, adjudicated as  
11 a delinquent for an act that would be a crime against a person if committed by an  
12 adult. The DNA identification registration system consists of the blood or oral  
13 samples drawn under this section, any DNA or other blood grouping tests done on  
14 those samples, and the identification data related to the samples or tests. Blood  
15 samples and oral samples from persons not subject to testing under this section, and  
16 test or identification data related to those samples, may not be entered into, or made  
17 a part of, the DNA identification registration system.

18 (c) The Department of Public Safety may provide

19 (1) DNA analysis services to law enforcement agencies throughout the  
20 state; and

21 (2) assistance to law enforcement officials and prosecutors in the  
22 preparation and utilization of DNA evidence for presentation in court.

23 (d) Except as provided in (e) of this section, a local law enforcement agency  
24 may not establish or operate a DNA identification registration system unless

25 (1) the equipment and the DNA typing method of the local system are  
26 compatible with that of the state system under (a) of this section;

27 (2) the local system is equipped to receive and answer inquiries from  
28 the department's DNA identification registration system and transmit data to the  
29 department's DNA identification registration system; and

30 (3) procedure and rules for the collection, analysis, storage,  
31 expungement, and use of DNA identification data do not conflict with this section and

1 procedures and rules applicable to the department's DNA identification registration  
2 system.

3 (e) Nothing in (d) of this section prohibits a local law enforcement agency  
4 from performing DNA identification analysis in individual cases to assist law  
5 enforcement officials and prosecutors in the preparation and use of DNA evidence for  
6 presentation in court.

7 (f) The DNA identification registration system is confidential, is not a public  
8 record under AS 09.25.110 - 09.25.140, and may be used only for

9 (1) providing DNA or other blood grouping tests for identification  
10 analysis;

11 (2) law enforcement purposes including criminal investigations and  
12 prosecutions;

13 (3) statistical blind analysis; or

14 (4) improving the operation of the system.

15 (g) A person from whom a sample has been collected under this section may  
16 inspect and obtain a copy of the identification data regarding the person contained  
17 within the DNA identification registration system.

18 (h) The Department of Public Safety shall adopt reasonable procedures

19 (1) for the collection, analysis, storage, expungement, and use of the  
20 DNA identification registration system; and

21 (2) to protect the DNA identification registration system established  
22 under this section from unauthorized access and from accidental or deliberate damage  
23 by theft, sabotage, fire, flood, wind, or power failure.

24 (i) The Department of Public Safety shall destroy the material in the system  
25 relating to a person if

26 (1) the conviction or adjudication that subjected the person to having  
27 a sample taken under this section is reversed; and

28 (2) the person

29 (A) is not retried or readjudicated for the crime; or

30 (B) after retrial, is acquitted of the crime or after readjudication

31 for the crime is not found to be a delinquent.

1 (j) In this section,

2 (1) "crime against a person" means a felony offense, or a felony  
3 attempt to commit an offense, under AS 11.41, other than AS 11.41.320, or under  
4 AS 11.46.400;

5 (2) "oral sample" means a sample taken from the mouth of a person  
6 that consists of saliva or tissue, or both, as is determined by the Department of Public  
7 Safety to be necessary to obtain an accurate DNA identification and to otherwise  
8 achieve the purposes of this section.

9 \* **Sec. 3. APPLICABILITY.** This Act applies to all convictions occurring on or after the  
10 effective date of this Act for a crime against a person, as that term is defined in sec. 2 of this  
11 Act.

12 \* **Sec. 4.** This Act takes effect January 1, 1996.