

HOUSE CS FOR CS FOR SENATE BILL NO. 13(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/14/95

Referred: Rules

Sponsor(s): SENATORS LEMAN, Kelly, Halford, Sharp, Green

REPRESENTATIVES Toohey, Green, Bunde, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the admissibility into evidence of deoxyribonucleic acid (DNA)
2 profiles in civil and criminal proceedings; and amending Rule 703 of the Alaska
3 Rules of Evidence."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * **Section 1.** AS 09.25 is amended by adding a new section to read:

6 Sec. 09.25.051. ADMISSIBILITY OF DNA PROFILES. (a) In a civil action
7 or proceeding, evidence of a DNA profile is admissible to prove or disprove any
8 relevant fact if the court finds that the technique underlying the evidence is
9 scientifically valid. The admission of the DNA profile does not require a finding of
10 general acceptance in the relevant scientific community of DNA profile evidence.

11 (b) In this section,

12 (1) "deoxyribonucleic acid" means the molecules in all cellular forms
13 that contain genetic information in a patterned chemical structure for each individual;

14 (2) "DNA profile"

1 (A) means an analysis of blood, semen, tissue, or other cells
2 bearing deoxyribonucleic acid resulting in the identification of the individual's
3 patterned chemical structure of genetic information;

4 (B) includes statistical population frequency comparisons of the
5 patterned chemical structures described in (A) of this paragraph.

6 * **Sec. 2.** AS 12.45 is amended by adding a new section to read:

7 Sec. 12.45.035. **ADMISSIBILITY OF DNA PROFILES.** (a) In a criminal
8 action or proceeding, evidence of a DNA profile is admissible to prove or disprove any
9 relevant fact, if the court finds that the technique underlying the evidence is
10 scientifically valid. The admission of the DNA profile does not require a finding of
11 general acceptance in the relevant scientific community of DNA profile evidence.

12 (b) In this section,

13 (1) "deoxyribonucleic acid" means the molecules in all cellular forms
14 that contain genetic information in a patterned chemical structure for each individual;

15 (2) "DNA profile"

16 (A) means an analysis of blood, semen, tissue, or other cells
17 bearing deoxyribonucleic acid resulting in the identification of the individual's
18 patterned chemical structure of genetic information;

19 (B) includes statistical population frequency comparisons of the
20 patterned chemical structures described in (A) of this paragraph.

21 * **Sec. 3.** AS 09.25.051, added by sec. 1 of this Act, and AS 12.45.035, added by sec. 2
22 of this Act, have the effect of amending Rule 703, Alaska Rules of Evidence, to the extent
23 that Rule 703 would limit the admissibility of DNA profile evidence as a result of the
24 application of the standard previously adopted by the Alaska Supreme Court in *Pulakis v.*
25 *State*, 476 P.2d 474 (Alaska 1970), that requires a finding of general acceptance of scientific
26 evidence in the relevant scientific community as a precondition of admission of scientific
27 evidence.