

**CS FOR HOUSE BILL NO. 294(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/15/00

Referred: Today's Calendar

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to violations of an order to submit to deoxyribonucleic acid  
2 (DNA) testing, to court orders and conditions of parole to collect samples for  
3 DNA testing, to removal of material from the DNA identification registration  
4 system; and providing for an effective date."

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

6 \* **Section 1.** AS 11.56.760(a) is amended to read:

7 (a) A person commits the crime of violating an order to submit to DNA testing  
8 if, when requested by a health care professional acting on behalf of the state to provide  
9 a blood sample, oral sample, or both, or when requested by a juvenile or adult  
10 correctional, probation, or parole officer or a peace officer to provide an oral  
11 sample, the person refuses to provide the sample or samples and the person has been

12 (1) ordered to submit to DNA testing as part of a sentence imposed  
13 under AS 12.55.015; or

14 (2) convicted of an offense that requires DNA testing under the

1 provisions of AS 44.41.035.

2 \* **Sec. 2.** AS 12.55.015(h) is amended to read:

3 (h) In addition to penalties authorized by this section, the court shall order a  
4 person convicted of an offense requiring the state to collect a blood sample, oral  
5 sample, or both, for the deoxyribonucleic acid identification registration system under  
6 AS 44.41.035 to submit to the collection of

7 (1) the sample or samples when requested by a health care professional  
8 acting on behalf of the state to provide the sample or samples; or

9 (2) an oral sample when requested by a juvenile or adult  
10 correctional, probation, or parole officer, or a peace officer.

11 \* **Sec. 3.** AS 12.55.100(d) is amended to read:

12 (d) If the court orders probation for a defendant convicted of an offense  
13 requiring the state to collect a blood sample, oral sample, or both, from the defendant  
14 for the deoxyribonucleic acid identification registration system under AS 44.41.035,  
15 the court shall order the defendant, as a condition of probation, to submit to the  
16 collection of

17 (1) the sample or samples when requested by a health care professional  
18 acting on behalf of the state to provide the sample or samples; or

19 (2) an oral sample when requested by a juvenile or adult  
20 correctional, probation, or parole officer, or a peace officer.

21 \* **Sec. 4.** AS 33.16.150(a)(12) is amended to read:

22 (12) shall provide a blood sample, an oral sample, or both, when  
23 requested by a health care professional acting on behalf of the state to provide the  
24 sample or samples, or an oral sample when requested by a juvenile or adult  
25 correctional, probation, or parole officer, or a peace officer, if the prisoner is being  
26 released after a conviction of an offense requiring the state to collect the sample or  
27 samples for the deoxyribonucleic acid identification system under AS 44.41.035.

28 \* **Sec. 5.** AS 44.41.035(i) is amended to read:

29 (i) The Department of Public Safety shall, upon receipt of a court order,  
30 destroy the material in the system relating to a person. The court shall issue the  
31 order if it determines that [IF]

- 1                   (1) the conviction or adjudication that subjected the person to having  
2           a sample taken under this section is reversed; and  
3                   (2) the person  
4                   (A) is not retried or readjudicated for the crime; or  
5                   (B) after retrial, is acquitted of the crime or after readjudication  
6           for the crime is not found to be a delinquent.  
7    \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).