

CS FOR HOUSE BILL NO. 27(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 1/26/95
Referred: Finance

Sponsor(s): REPRESENTATIVES PARNELL, Toohey, B.Davis, Porter, Green, Bunde

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
4 providing for an effective date."

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

6 * **Section 1.** LEGISLATIVE FINDINGS. The legislature finds that

7 (1) recent developments in molecular biology and genetics have important
8 applications for forensic science; it has been scientifically established that there is a unique
9 pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell
10 of the human body; the process for identifying this pattern is called "DNA identification"; and

11 (2) the accuracy of identification provided by this method is superior to that
12 of any presently existing technique and recognizes the importance of this scientific
13 breakthrough in providing a reliable and accurate tool for the investigation and prosecution
14 of offenses.

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

2 Sec. 44.41.035. DNA IDENTIFICATION SYSTEM. (a) To support criminal
3 justice services in this state, the Department of Public Safety shall establish a
4 deoxyribonucleic acid (DNA) identification registration system. The DNA
5 identification registration system as established shall be compatible with that utilized
6 by the Federal Bureau of Investigation.

7 (b) A person convicted in this state of a crime against a person shall have a
8 blood sample drawn for purposes of DNA identification analysis. A blood sample
9 taken under this section may be used only for the purpose of providing DNA or other
10 blood grouping tests for identification analysis, for preparation of statistical blind
11 analysis, and prosecution of criminal offenses.

12 (c) The Department of Public Safety may provide

13 (1) DNA analysis services to law enforcement agencies throughout the
14 state; and

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

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

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

21 (2) the local system is equipped to receive and answer inquiries from
22 the department's DNA identification registration system and transmit data to the
23 department's DNA identification registration system; and

24 (3) procedure and rules for the collection, analysis, storage,
25 expungement, and use of DNA identification data do not conflict with procedures and
26 rules applicable to the department's DNA identification registration system.

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

31 (f) DNA identification data may not be used for any purpose that is not related

1 to a criminal investigation or to improving the operation of the system authorized by
2 this section.

3 (g) In this section, "crime against a person" means a felony offense, or a
4 felony attempt to commit an offense, under AS 11.41, other than AS 11.41.320, or
5 under AS 11.46.400.

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

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