

**CS FOR HOUSE BILL NO. 27(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/3/95  
Referred: Rules

Sponsor(s): REPRESENTATIVES PARNELL, Toohey, B.Davis, Porter, Green, Bunde, Kohring  
**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 44.41 is amended by adding a new section to read:

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

12           (b) The Department of Public Safety shall collect for inclusion into the DNA  
13 registration system a blood sample, oral sample, or both, from (1) a person convicted

1 of a crime against a person, and (2) a minor 16 years of age or older, adjudicated as  
2 a delinquent for an act that would be a crime against a person if committed by an  
3 adult. The DNA identification registration system consists of the blood or oral  
4 samples drawn under this section, any DNA or other blood grouping tests done on  
5 those samples, and the identification data related to the samples or tests.

6 (c) The Department of Public Safety may provide

7 (1) DNA analysis services to law enforcement agencies throughout the  
8 state; and

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

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

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

15 (2) the local system is equipped to receive and answer inquiries from  
16 the department's DNA identification registration system and transmit data to the  
17 department's DNA identification registration system; and

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

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

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

27 (1) providing DNA or other blood grouping tests for identification  
28 analysis;

29 (2) law enforcement purposes including criminal investigations and  
30 prosecutions;

31 (3) statistical blind analysis; or

1 (4) improving the operation of the system.

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

5 (h) The Department of Public Safety shall adopt reasonable procedures to  
6 protect the DNA identification registration system established under this section from  
7 unauthorized access and from accidental or deliberate damage by theft, sabotage, fire,  
8 flood, wind, or power failure.

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

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

13 (2) the person

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

15 (B) after retrial, is acquitted of the crime or after readjudication  
16 for the crime is not found to be a delinquent.

17 (j) In this section,

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

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

25 \* **Sec. 2. APPLICABILITY.** This Act applies to all convictions occurring on or after the  
26 effective date of this Act for a crime against a person, as that term is defined in sec. 1 of this  
27 Act.

28 \* **Sec. 3.** This Act takes effect January 1, 1996.