

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 2/8/95

Offered: 2/3/95

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

SENATOR Leman

**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. Blood  
6 samples and oral samples from persons not subject to testing under this section, and  
7 test or identification data related to those samples, may not be entered into, or made  
8 a part of, the DNA identification registration system.

9 (c) The Department of Public Safety may provide

10 (1) DNA analysis services to law enforcement agencies throughout the  
11 state; and

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

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

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

18 (2) the local system is equipped to receive and answer inquiries from  
19 the department's DNA identification registration system and transmit data to the  
20 department's DNA identification registration system; and

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

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

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

31 (1) providing DNA or other blood grouping tests for identification

1 analysis;

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

4 (3) statistical blind analysis; or

5 (4) improving the operation of the system.

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

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

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

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

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

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

19 (2) the person

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

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

23 (j) In this section,

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

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

31 \* **Sec. 2. APPLICABILITY.** This Act applies to all convictions occurring on or after the

1 effective date of this Act for a crime against a person, as that term is defined in sec. 1 of this  
2 Act.  
3 \* **Sec. 3.** This Act takes effect January 1, 1996.