

**SENATE BILL NO. 12**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS LEMAN, Kelly, Halford, Sharp, Green

Introduced: 1/16/95

Referred: JUD, FIN

**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 sex offense; and providing for an  
4 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 sex 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 sex offense shall have a blood sample  
8 drawn for purposes of DNA identification analysis. A blood sample taken under this  
9 section may be used only for the purpose of providing DNA or other blood grouping  
10 tests for identification analysis and prosecution of a sex offense.

11 (c) The Department of Public Safety may provide

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

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

16 (3) expert testimony in court on DNA evidentiary issues.

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 of the local system is compatible with that of the  
20 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, "sex offense" has the meaning given in AS 12.63.100.

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