

HOUSE BILL NO. 294

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/21/00

Referred: Judiciary, Finance

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 to the collection and processing of samples from certain burglary
5 perpetrators for the DNA identification registration system; and providing for an
6 effective date."

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

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

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

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

3 (2) convicted of an offense that requires DNA testing under the
4 provisions of AS 44.41.035.

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

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

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

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

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

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

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

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

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

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

31 * **Sec. 5.** AS 44.41.035(b) is amended to read:

1 (b) The Department of Public Safety shall **provide for collection**, [COLLECT]
 2 for inclusion into the DNA registration system, **of** a blood sample, oral sample, or
 3 both, from (1) a person convicted of a crime against a person, [AND] (2) **a person**
 4 **convicted of burglary, and (3)** a minor 16 years of age or older, adjudicated as a
 5 delinquent for an act that would be a crime against a person **or burglary** if committed
 6 by an adult. The DNA identification registration system consists of the blood or oral
 7 samples drawn under this section, any DNA or other blood grouping tests done on
 8 those samples, and the identification data related to the samples or tests. Blood
 9 samples and oral samples from persons not subject to testing under this section, and
 10 test or identification data related to those samples, may not be entered into, or made
 11 a part of, the DNA identification registration system.

12 * **Sec. 6.** AS 44.41.035(i) is amended to read:

13 (i) The Department of Public Safety shall, **upon receipt of a court order**
 14 **issued at the request of a person whose DNA has been collected under (b) of this**
 15 **section**, destroy the material in the system relating to **the** [A] person. **The court shall**
 16 **issue the order if it determines that** [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 * **Sec. 7.** AS 44.41.035(j) is amended by adding a new paragraph to read:

24 (3) "burglary" means an offense, or a felony attempt to commit an
 25 offense, under AS 11.46.300 - 11.46.310.

26 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section
 27 to read:

28 **APPLICABILITY.** (a) Sections 1 - 5 and 7 of this Act apply to all offenses occurring
 29 on or after January 1, 1996.

30 (b) Section 6 of this Act applies to a request pending on, or received on or after, the
 31 effective date of this Act for destruction of material in the DNA identification registration

1 system under AS 44.41.035.

2 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).