

**HOUSE BILL NO. 49**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES ANDERSON AND HAWKER, Holm, Samuels, Lynn, Kookesh, Wolf, Wilson, Weyhrauch, Gatto, Seaton, Heinze**

**Introduced: 1/21/03**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the DNA identification registration system; and providing for an**  
2 **effective date."**

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

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

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

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

12 (2) convicted of an offense **or adjudicated a delinquent for an act**  
13 that requires DNA testing under the provisions of AS 44.41.035 **or other law**.

14 **\* Sec. 2.** AS 44.41.035(b) is amended to read:

1 (b) The Department of Public Safety shall collect for inclusion into the DNA  
 2 registration system a blood sample, oral sample, or both, from (1) a person convicted  
 3 of a **misdemeanor offense under AS 11.41.410 - 11.41.458 or a felony, and**  
 4 [CRIME AGAINST A PERSON,] (2) a [PERSON CONVICTED OF BURGLARY  
 5 OR A FELONY ATTEMPT TO COMMIT BURGLARY, AND (3) A] minor 16 years  
 6 of age or older, adjudicated as a delinquent for an act that would be a **misdemeanor**  
 7 **offense under AS 11.41.410 - 11.41.458 or a felony** [CRIME AGAINST A  
 8 PERSON, A BURGLARY, OR A FELONY ATTEMPT TO COMMIT  
 9 BURGLARY], if committed by an adult. The DNA identification registration system  
 10 consists of the blood or oral samples drawn under this section, any DNA or other  
 11 blood grouping tests done on those samples, and the identification data related to the  
 12 samples or tests. Blood samples and oral samples from persons not subject to testing  
 13 under this section, and test or identification data related to those samples, may not be  
 14 entered into, or made a part of, the DNA identification registration system.

15 \* **Sec. 3.** AS 44.41.035(j)(1) is repealed.

16 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
 17 read:

18 SAMPLES FROM PERSONS CURRENTLY INCARCERATED AND MINORS  
 19 CURRENTLY COMMITTED. Notwithstanding AS 44.41.035(b), the Department of Public  
 20 Safety shall collect for inclusion into the DNA registration system a blood sample, oral  
 21 sample, or both, from (1) each person convicted of a misdemeanor offense under  
 22 AS 11.41.410 - 11.41.458 or a felony before the effective date of this Act who is incarcerated  
 23 for that conviction on the effective date of this Act and on the day the sample is collected, and  
 24 (2) a minor 16 years of age or older adjudicated as a delinquent before the effective date of  
 25 this Act for an act that would be a misdemeanor offense under AS 11.41.410 - 11.41.455 or a  
 26 felony, who was committed to the custody of the Department of Health and Family Services  
 27 for that act, and who remains committed to the custody of the Department of Health and  
 28 Family Services on the effective date of this Act and on the date the sample is collected. The  
 29 DNA identification registration system consists of the blood or oral samples drawn under this  
 30 section, any DNA or other blood grouping tests done on those samples, and the identification  
 31 data related to the samples or tests.

1 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).