



LAWS OF ALASKA

2005

Source
SCS HB 124(JUD)

Chapter No.

AN ACT

Relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic
2 acid sample from persons convicted of or adjudicated delinquent for certain crimes; and
3 providing for an effective date.

4

5 * **Section 1.** AS 44.41.035(b) is amended to read:

6 (b) The Department of Public Safety shall collect for inclusion into the DNA
7 registration system a blood sample, oral sample, or both, from (1) a person convicted
8 **in this state** of a crime against a person or a felony under AS 11 or AS 28.35 **or a law**
9 **or ordinance with elements similar to a crime against a person or a felony under**
10 **AS 11 or AS 28.35**, (2) a minor 16 years of age or older, adjudicated as a delinquent
11 **in this state** for an act that would be a crime against a person or a felony under AS 11
12 or AS 28.35 [,] if committed by an adult **or for an act that would violate a law or**
13 **ordinance with elements similar to a crime against a person or a felony under**
14 **AS 11 or AS 28.35 if committed by an adult**, (3) a voluntary donor, (4) an

1 anonymous DNA donor for use in forensic validation, forensic protocol development,
2 quality control, or population or statistical data bases, and (5) a person required to
3 register as a sex offender or child kidnapper under AS 12.63. The department also
4 may collect for inclusion into the DNA registration system a blood sample, oral
5 sample, or tissue sample from crime scene evidence or from unidentified human
6 remains. The DNA identification registration system consists of the blood, oral, or
7 tissue samples drawn under this section, any DNA or other blood grouping tests done
8 on those samples, and the identification data related to the samples or tests. Blood
9 samples, oral samples, and tissue samples not subject to testing under this section, and
10 test or identification data related to those samples, may not be entered into, or made a
11 part of, the DNA identification registration system.

12 * **Sec. 2.** AS 44.41.035 is amended by adding new subsections to read:

13 (o) A juvenile or adult correctional, probation, or parole officer or a peace
14 officer may use reasonable force to collect an oral sample for inclusion into the DNA
15 registration system from a person required to submit to collection of a sample under
16 this section, AS 12.55.015(h), 12.55.100(d), AS 33.16.150(a), or another law.

17 (p) A person may not bring a civil action against the state or a municipality, or
18 their employees or agents, for actions arising out of DNA collection in conformity
19 with this section.

20 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 APPLICABILITY. The changes made by this Act apply to all convictions or
23 adjudications of delinquency included under AS 44.41.035(b), as amended by sec. 1 of this
24 Act, that

25 (1) occur on or after the effective date of sec. 1 of this Act;

26 (2) occurred before the effective date of sec. 1 of this Act if the person is
27 incarcerated or is on probation or parole for the offense on or after the effective date of sec. 1
28 of this Act.

29 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).