

**CS FOR SENATE BILL NO. 95(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/2/05**

**Referred: Rules**

**Sponsor(s): SENATOR BUNDE**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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).