

**HOUSE BILL NO. 290**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE KAWASAKI**

**Introduced: 1/15/08**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to obtaining DNA samples from persons charged with certain crimes."**

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

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

4 (b) The Department of Public Safety shall collect for inclusion into the DNA  
5 registration system a blood sample, oral sample, or both, from (1) a person convicted  
6 in this state of a crime against a person or a felony under AS 11 or AS 28.35 or a law  
7 or ordinance with elements similar to a crime against a person or a felony under AS 11  
8 or AS 28.35, (2) a minor 16 years of age or older, adjudicated as a delinquent in this  
9 state for an act that would be a crime against a person or a felony under AS 11 or  
10 AS 28.35 if committed by an adult or for an act that would violate a law or ordinance  
11 with elements similar to a crime against a person or a felony under AS 11 or AS 28.35  
12 if committed by an adult, (3) a voluntary donor, (4) an anonymous DNA donor for use  
13 in forensic validation, forensic protocol development, quality control, or population or  
14 statistical data bases, (5) a person required to register as a sex offender or child  
15 kidnapper under AS 12.63, and (6) a person **charged with** [ARRESTED FOR] a

1 crime against a person or a felony under AS 11 or AS 28.35, or a law or ordinance  
 2 with elements similar to a crime against a person or a felony under AS 11 or AS 28.35  
 3 **for which a court has found that there is probable cause to believe that the**  
 4 **person committed the offense.** The department also may collect for inclusion into the  
 5 DNA registration system a blood sample, oral sample, or tissue sample from crime  
 6 scene evidence or from unidentified human remains. The DNA identification  
 7 registration system consists of the blood, oral, or tissue samples drawn under this  
 8 section, any DNA or other blood grouping tests done on those samples, and the  
 9 identification data related to the samples or tests. Blood samples, oral samples, and  
 10 tissue samples not subject to testing under this section, and test or identification data  
 11 related to those samples, may not be entered into, or made a part of, the DNA  
 12 identification registration system.

13 \* **Sec. 2.** AS 44.41.035(i) is amended to read:

14 (i) The Department of Public Safety shall, upon receipt of a court order,  
 15 destroy the material in the system relating to a person. The court shall issue the order  
 16 if the person's or minor's DNA was included in the system under

17 (1) (b)(1) or (2) of this section and the court determines that

18 (A) the conviction or adjudication that subjected the person to  
 19 having a sample taken under this section is reversed; and

20 (B) the person

21 (i) is not retried, readjudicated, or convicted or  
 22 adjudicated for another crime that requires having a sample taken under  
 23 this section; or

24 (ii) after retrial, is acquitted of the crime or after  
 25 readjudication for the crime is not found to be a delinquent, and is not  
 26 convicted or adjudicated for another crime that requires a sample under  
 27 this section;

28 (2) (b)(6) of this section and the court determines that

29 (A) the person **charged** [ARRESTED] was **acquitted of the**  
 30 **crime and was not convicted or adjudicated for another crime that**  
 31 **requires a sample under this section** [RELEASED WITHOUT BEING

1 CHARGED]; or

2 (B) the criminal complaint, indictment, presentment, or  
3 information for the offense with [FOR] which the person was **charged and for**  
4 **which probable cause was found** [ARRESTED] was dismissed, and a  
5 criminal complaint, indictment, presentment, or information for an offense  
6 requiring submission of a DNA sample is not refiled.