

**CS FOR SENATE BILL NO. 33(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

**BY THE SENATE STATE AFFAIRS COMMITTEE**

**Offered: 3/23/07**

**Referred: Judiciary, Finance**

**Sponsor(s): SENATOR BUNDE**

**A BILL**

**FOR AN ACT ENTITLED**

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

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, [AND] (5) a person or minor required to register as a sex  
15 offender or child kidnapper under AS 12.63, **and (6) a person charged in a criminal**

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

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

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

16 **(1) (b)(1) or (2) of this section and the court** [IT] determines that

17 **(A)** [(1)] the conviction or adjudication that subjected the  
 18 person **or minor** to having a sample taken under this section is reversed; and

19 **(B)** [(2)] the person **or minor**

20 **(i)** [(A)] is not retried or readjudicated for the crime; or

21 **(ii)** [(B)] after retrial, is acquitted of the crime or, after  
 22 readjudication for the crime, is not found to be a delinquent; **or**

23 **(2) (b)(6) of this section and the court determines that the criminal**  
 24 **complaint, indictment, presentment, or information has been dismissed.**

25 \* **Sec. 3.** AS 44.41.035(l) is amended to read:

26 (l) The Department of Public Safety may not include in the DNA registration  
 27 system a blood sample, oral sample, or tissue sample of the victim of a crime, unless  
 28 that person would otherwise be included under **(b)(1) - (6)** [(b)(1) - (5)] of this section.