

Introduced: 4/12/89  
Referred: Judiciary

6-1032E

1 IN THE SENATE

BY JONES, RODEY, FAIKS,  
FISCHER AND FRANK

2

SENATE BILL NO. 275

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act concerning the admissibility into evidence of  
7 deoxyribonucleic acid (DNA) print tests in civil and  
8 criminal proceedings; amending Rules 401, 403, 703,  
9 and 705 of the Alaska Rules of Evidence; and provid-  
10 ing for an effective date."

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

12 \* Section 1. AS 09.25 is amended by adding a new section to read:

13 Sec. 09.25.300. ADMISSIBILITY OF DNA ACID PRINT TESTS. (a) The  
14 results of a deoxyribonucleic acid (DNA) print test are admissible  
15 into evidence in a trial or hearing in a civil action. There is a  
16 presumption that a DNA print test is valid and further foundation for  
17 introduction as evidence is unnecessary if the DNA print test was  
18 performed by a person who has been fully trained to perform the test  
19 and the person's training has been certified or monitored by the  
20 Department of Public Safety.

21 (b) Statistical population frequency evidence based on a DNA  
22 print test result is admissible into evidence in a trial or hearing in  
23 a civil action to demonstrate that an individual is the source of a  
24 specific human sample of blood, semen, urine, tissue, or other DNA-  
25 bearing cells.

26 (c) In this section,

27 (1) "deoxyribonucleic acid" or "DNA" means molecules con-  
28 taining genetic information that are found in chromosomes;

29 (2) "deoxyribonucleic acid print test" or "DNA print test"

1 means the genetic identification process through which DNA material in  
2 a human sample of blood, semen, tissue, or other DNA-bearing cells is  
3 analyzed and compared with another human sample of DNA-bearing cells  
4 for identification purposes.

5 \* Sec. 2. AS 12.45 is amended by adding a new section to read:

6 Sec. 12.45.035. **ADMISSIBILITY OF DNA PRINT TESTS.** The provi-  
7 sions of AS 09.25.300 apply in a criminal action or proceeding.

8 \* Sec. 3. This Act has the effect of amending Rules 401 and 403 of the  
9 Alaska Rules of Evidence by determining that, when offered in civil and  
10 criminal actions under certain conditions, DNA print test evidence has  
11 probative value and that the probative value of DNA print test evidence  
12 outweighs the danger of unfair prejudice of that evidence, thereby au-  
13 thorizing its admissibility.

14 \* Sec. 4. This Act has the effect of amending Rules 703 and 705 of the  
15 Alaska Rules of Evidence by eliminating a requirement that the court re-  
16 quire or allow antecedent expert testimony concerning the reliability of  
17 the DNA print test as a method of identification prior to its receipt into  
18 evidence under certain conditions.

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