

Offered: 5/5/89
Referred: Rules

6-1032H

Original sponsors: Jones, Rodey,
Faiks, et al.

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 275 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 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; and providing for an effective
9 date."

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

11 * Section 1. FACTUAL BASIS AND FINDINGS. (a) Recent developments in
12 molecular biology and genetics have established scientific principles that,
13 when applied forensically, can determine the identity of any person.
14 Deoxyribonucleic acid (DNA) is an organic substance found primarily in the
15 chromosomes that are structures within the nuclei of cells. DNA finger-
16 printing, often called genetic fingerprinting, is a forensic technique that
17 relies on the unique sequence of genetic building blocks that make up human
18 chromosomes. DNA fingerprinting permits the personal identification of an
19 individual by comparing, in extracted samples, the repetitive patterns of
20 the DNA in the chromosomes. The sample taken produces a print that an
21 expert can read to identify sequential patterns of the four basic compo-
22 nents of DNA. The sequential pattern of the DNA, unique to each indi-
23 vidual, permits identification with a high degree of certainty. Depending
24 on the number of probes and the specific test that is used, DNA finger-
25 printing permits exceptionally precise personal identification.

26 (b) Personal identification has always been of vital concern to
27 enforcement of criminal law and completion of some civil proceedings.
28 Developed only in the past six years, DNA fingerprinting has already come
29 to play a significant role in civil actions, chiefly to confirm or refute

1 paternity, and in criminal prosecutions. The technique provides investiga-
2 tors and litigators with powerful evidentiary tools to help resolve diffi-
3 cult cases. Research recently conducted for the Alaska State Legislature
4 affirms that approximately 30 states have used the DNA fingerprinting
5 process in conjunction with criminal prosecutions. In many of the states,
6 trial courts have initiated action on a case-by-case basis to admit DNA
7 fingerprint evidence. In most cases, the trial court judge has determined
8 that the evidence is admissible, finding that the procedure has gained
9 acceptance within the scientific community and that proper testing proce-
10 dures had been followed.

11 (c) The legislature, believing that it is necessary to resolve the
12 policy question relating to the admissibility of evidence developed by the
13 DNA fingerprinting technique without unnecessary litigation, finds that

14 (1) the scientific methods of identifying unique DNA patterns or
15 structures in human chromosomes have been refined to a level of accuracy
16 that approaches an imperceptible margin of error;

17 (2) when conducted by trained personnel in a manner that is
18 consistent with standard methods and techniques, the results of DNA finger-
19 printing tests are recognized in the scientific community as accurate and
20 reliable;

21 (3) because of the high degree of accuracy that attends DNA
22 print testing, DNA fingerprint evidence has probative value that outweighs
23 the danger of unfair prejudice of that evidence;

24 (4) DNA fingerprint evidence should be admitted into evidence in
25 civil actions and criminal proceedings in the courts of the state.

26 * Sec. 2. AS 09.25 is amended by adding a new section to read:

27 Sec. 09.25.300. ADMISSIBILITY OF DNA PRINT TESTS. (a) The
28 results of a deoxyribonucleic acid (DNA) print test are admissible
29 into evidence in a trial or hearing in a civil action. There is a

1 presumption that the DNA print test results are valid and further
2 foundation for their introduction as evidence is unnecessary if it is
3 established at the trial or hearing that the DNA print test was per-
4 formed according to methods approved by the Department of Public
5 Safety by a person who has been trained according to techniques,
6 methods, and standards of training approved by the Department of
7 Public Safety.

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

13 (c) In this section,

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

16 (2) "deoxyribonucleic acid print test" or "DNA print test"
17 means the genetic identification process through which DNA material in
18 a human sample of blood, semen, tissue, or other DNA-bearing cells is
19 analyzed and compared with another human sample of DNA-bearing cells
20 for identification purposes.

21 * Sec. 3. AS 12.45 is amended by adding a new section to read:

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

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