

Offered: 5/1/90
Referred: Rules

6-1032G

Original sponsors(s): SEN. JONES, Rodey, Faiks, Fischer, Frank

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 275 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND 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 amending Rules 401, 703,
9 and 705 of the Alaska Rules of Evidence."

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

11 * Section 1. FINDINGS. The legislature finds that

12 (1) the scientific methods of identifying deoxyribonucleic acid
13 (DNA) patterns or structures in human chromosomes have been refined to a
14 high level of accuracy; and

15 (2) there is general consensus in the relevant scientific commu-
16 nity that, when conducted by trained personnel using standard methods and
17 techniques, DNA print tests are accurate and reliable.

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

19 Sec. 09.25.300. ADMISSIBILITY OF DNA PRINT TESTS. (a) If it is
20 established in a civil action or proceeding that a deoxyribonucleic
21 acid (DNA) print test was performed according to methods approved by
22 the Federal Bureau of Investigation, United States Department of
23 Justice, by a person who had been trained according to techniques,
24 methods, and standards of training approved by the Federal Bureau of
25 Investigation, United States Department of Justice, there is a pre-
26 sumption that

27 (1) the test results are valid and further foundation for
28 their introduction as evidence is unnecessary; and

29 (2) statistical population frequency evidence based on the

1 test result is valid and further foundation for its introduction as
2 evidence to demonstrate that an individual is or is not the source of
3 a specific human sample of blood, semen, urine, tissue, or other DNA-
4 bearing cells is unnecessary.

5 (b) In this section,

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

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

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

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

16 * Sec. 4. AS 25.20.050(d) is amended to read:

17 (d) The results of a blood test, tissue-type test, protein
18 comparison, or other scientifically accepted procedure, such as a DNA
19 print test authorized by AS 09.25.300, shall be admitted and weighed
20 in conjunction with other evidence in determining the statistical
21 probability that the putative parent is a legal parent of the child in
22 question. However, a scientifically accepted procedure that estab-
23 lishes a probability of parentage at 95 percent or higher creates a
24 presumption of parentage that may be rebutted only by clear and con-
25 vincing evidence.

26 * Sec. 5. This Act has the effect of amending

27 (1) Rule 401 of the Alaska Rules of Evidence by determining
28 that, when offered in civil and criminal actions under certain conditions,
29 DNA print test evidence has probative value and may be relevant; and

1 (2) Rules 703 and 705 of the Alaska Rules of Evidence by elim-
2 inating a requirement that the court require or allow antecedent expert
3 testimony concerning the reliability of the DNA print test as a method of
4 identification before its receipt into evidence under certain conditions.