

SENATE BILL NO. 265
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR JONES

Introduced: 4/24/91
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act concerning the admissibility into evidence of deoxyribonucleic acid (DNA) print
2 tests in civil and criminal proceedings; and amending Rules 401, 703, and 705 of the
3 Alaska Rules of Evidence."

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

5 * **Section 1. FINDINGS.** The legislature finds that

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

8 (2) there is general consensus in the relevant scientific community that, when conducted
9 by trained personnel using approved methods and techniques, DNA print tests are accurate and reliable.

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

11 **Sec. 09.25.300. ADMISSIBILITY OF DNA PRINT TESTS.** (a) If it is established in
12 a civil action or proceeding that a deoxyribonucleic acid (DNA) print test was performed
13 according to regulations adopted by the Alaska Department of Public Safety, there is a
14 presumption that the test results are valid and further foundation for their introduction as evidence

1 is unnecessary.

2 (b) Regulations adopted by the Department of Public Safety under this section must

3 (1) include single locus restriction fragment length polymorphism analysis as a
4 reliable and accurate method of performing DNA testing if performed properly; provided that the
5 department shall approve other methods or techniques as an alternative to or to supersede this
6 test if the other methods or techniques are found to be reliable and consistent with national
7 standards and with (3) - (4) of this subsection;

8 (2) consider national standards for DNA testing procedures;

9 (3) consider the possibility of local or regional frequency variations;

10 (4) ensure that DNA testing procedures are equally accessible to all parties and
11 litigants;

12 (5) be reviewed by the department at least every three years to ensure that the
13 most accurate and reliable DNA testing procedures are being utilized.

14 (c) In adopting regulations under this section, the Department of Public Safety shall
15 solicit and consider comments from the Public Defender Agency, the criminal division of the
16 Department of Law, the office of public advocacy, the Child Support Enforcement Agency, and
17 scientific experts at the University of Alaska.

18 (d) Notwithstanding AS 44.62.180, regulations adopted under this section are effective
19 90 days after filing by the lieutenant governor.

20 (e) This section may not be construed to limit the introduction of any other competent
21 DNA evidence.

22 (f) In this section,

23 (1) "DNA" or "deoxyribonucleic acid" means molecules containing genetic
24 information that are found in chromosomes;

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

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

30 Sec. 12.45.035. **ADMISSIBILITY OF DNA PRINT TESTS.** The provisions of
31 AS 09.25.300 apply in a criminal action or proceeding.

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

2 (d) The results of a blood test, tissue-type test, protein comparison, or other scientifically
3 accepted procedure, such as a DNA print test authorized by AS 09.25.300, shall be admitted
4 and weighed in conjunction with other evidence in determining the statistical probability that the
5 putative parent is a legal parent of the child in question. However, a scientifically accepted
6 procedure that establishes a probability of parentage at 95 percent or higher creates a presumption
7 of parentage that may be rebutted only by clear and convincing evidence.

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

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

12 (2) Rules 703 and 705 of the Alaska Rules of Evidence by eliminating a requirement that
13 the court require or allow antecedent expert testimony concerning the general reliability of DNA print
14 testing as a method of identification before its receipt into evidence under certain conditions.