

HB

27

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: January 26, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/1/95

The FINANCE Committee considered:

HB 27

HOUSE BILL NO. 27

DNA TESTING OF CONVICTED SEX OFFENDERS

"An Act directing the Department of Public Safety to establish and maintain a deoxyribonucleic acid (DNA) identification registration system and requiring DNA registration by persons convicted of a felony sex offense; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 27 (FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) HFC ; DPS.

fiscal note(s) DPS 1/26/95

zero fiscal note(s)

zero fiscal note(s) law 1/26/95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Sheri Martin</i> Martin	✓			
<i>Mark Hanley</i> Hanley	X			
<i>John Mulder</i> Mulder	X			
<i>Sean Parnell</i> Parnell	X			
<i>Eric Kohring</i> Kohring	X			
<i>Ben Grussendorf</i> Grussendorf			X	
<i>Bob Kelly</i> Kelly	✓			
<i>Gene Therriault</i> Therriault			X	
<i>Mike Navarre</i> Navarre			X	
<i>Tom Brown</i> BROWN				X
<i>Richard Foster</i> FOSTER			X	

Fiscal Notes

CHAIR'S SIGNATURE *Mark Hanley*
 co-chair Hanley

Richard Foster
 co-chair Foster

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 27(FIN)

Revision Date: _____
 Title: "An Act directing the Dept. of Public
 Safety to est. and maintain a deoxrib...
 Sponsor: Parnell
 Requestor: _____

Dept. Affected Public Safety
 BRU: STATEWIDE
 Components: Laboratory Service
 Serial # 527

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
Personal Services	10.0	5.0	5.0	5.0	5.0	5.0
Travel						
Contractual	15.8	10.8	10.8	10.8	10.8	10.8
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	25.8	15.8	15.8	15.8	15.8	15.8

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund 1004	25.8	15.8	15.8	15.8	15.8	15.8
Federal Fund						
Other						
TOTAL	25.8	15.8	15.8	15.8	15.8	15.8

POSITIONS :

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

SEE ATTACHED ANALYSIS

Prepared by: House Finance Committee

Rep. Mark Hanley, Co-Chair

Rep. Richard Foster, Co-Chair

Date: 2/1/95

Phone: 465-4939

Phone: 465-3789

ANALYSIS
CSHB 27 (FIN)

This fiscal note is intended to permit the Crime Lab to receive samples from the Department of Corrections and the Department of Health & Social Services and store them for later use.

The assumptions upon which this fiscal note is based are discussed below:

Costs for Laboratory and/or contract personnel to work out procedures and programming to automate and provide reconciliation between the Crime Lab Computer system and the Alaska Public Safety Information Network (ASPIN);

Costs to reimburse the Department of Corrections for drawing blood samples, providing fingerprints and delivery to the Crime Lab (\$8.8);

Costs to reimburse the Department of Health & Social Services for drawing blood samples, providing fingerprints and delivery to the Crime Lab (\$2.0);

It is estimated that there are approximately 600 convicted offenders annually for crimes against persons.

This fiscal note does not address typing blood samples or analyzing and typing crime scene evidence for storing in an automated computer system for matching and remote networking purposes. Collection of the blood samples will have value on a case by case basis where a suspect's blood is on file with the crime lab and knowledge that a sample exists has been made available to law enforcement via APSIN.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: CS HB 27 (JUD)

Revision Date: January 25, 1994 Dept. Affected: Public Safety
 Title: "An Act directing the Department of Public Safety to establish and maintain a deoxyrib....." BRU: STATEWIDE
 Sponsor: Parnell Component: Alaska Criminal Records and Identification
 Requestor: Judiciary COMPONENT SERIAL NO. 1190

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	6.0	6.0	6.0	6.0	6.0	6.0
TRAVEL						
CONTRACTUAL	5.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	11.0	6.0	6.0	6.0	6.0	6.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES () <small>Revenue Code</small>	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	11.0	6.0	6.0	6.0	6.0	6.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	11.0	6.0	6.0	6.0	6.0	6.0

Estimate of current year (FY 95) impact: \$ 0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED ANALYSIS

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: _____
 Approved by Commissioner: Ronald L. Otto Date: _____
 Agency: Ronald L. Otto, Dept. of Public Safety

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ANALYSIS
CS HB 27 (JUD)

The assumptions upon which this fiscal note is based fall into two categories as discussed more fully below:

Costs for R&I personnel to verify and update APSIN DNA criminal history flag;

It is estimated that there are approximately 600 convicted felons for crimes against persons annually:

Cost Summary

Personal services costs the first year are for data entry, revising procedures and training data entry personnel. Continuing costs are for verification and data entry.

Contractual costs are requested to modify the fingerprint card tracking system to capture, maintain status and provide statistical reports.

FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO. HB 27

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...directing the Dept. of Public Safety to establish BRU: Prosecution
and maintain a deoxyribonucleic acid (DNA) registration system... Components: All
 Sponsor: Representative Parnell
 Requester: Representative Parnell COMPONENT SERIAL NO. 0085 - 0090

Expenditures/Revenues		(Thousands of Dollars)					
	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	
OPERATING EXPENDITURES							
PERSONAL SERVICES							
TRAVEL							
CONTRACTUAL							
SUPPLIES							
EQUIPMENT							
LAND & STRUCTURES							
GRANTS, CLAIMS							
MISCELLANEOUS							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
CAPITAL EXPENDITURES							
CHANGE IN REVENUES							

FUND SOURCE		(Thousands of Dollars)					
	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1006 GF/MHTIA							
Other							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS		FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME		0.01	0.01	0.01	0.01	0.01	0.01
PART-TIME							
TEMPORARY							

ANALYSIS: (Attach a separate page if necessary)

This bill directs the Department of Public Safety to establish and maintain a deoxyribonucleic acid (DNA) identification registration system and requires registration by persons convicted of a felony sex offense in this state. The bill also provides that the Department of Public Safety may provide (1) DNA analysis services to law enforcement agencies; (2) assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and, (3) expert testimony in court on DNA evidentiary issues. Although there may be some cost for the Department of Public Safety, in establishing the registration system, the bill will not have a fiscal impact on the Department of Law. And the bill will make it easier for prosecutors to make their cases where identification of defendants is an issue.

Prepared by: Richard L. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/23/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/23/95
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BIL No. 3
Bill Version: CS HB 27(JUD)
(H) Publish Date: 1/26/95

Revision Date: _____ Dept. Affected: Public Safety
Title: An Act directing the Department of Public Safety to establish and maintain a deoxyribonucleic acid (DNA) fingerprinting program BRU: STATEWIDE
Sponsor: Parnell Component: Alaska Public Safety Information Net
Requestor: Judiciary COMPONENT SERIAL NO. 528

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	10.0	5.0	5.0	5.0	5.0	5.0
TRAVEL						
CONTRACTUAL	10.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	20.0	10.0	10.0	10.0	10.0	10.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES (Revenue Code)	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	20.0	10.0	10.0	10.0	10.0	10.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	20.0	10.0	10.0	10.0	10.0	10.0

Estimate of current year (FY 95) impact: \$ 0

POSITIONS:

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED ANALYSIS

Prepared By: Ken Bischoff Phone: 465-4336

Division: Administrative Services Date: January 24, 1995

Approved by Commissioner: [Signature] Date: January 24, 1995

Agency: Ronald L. Otto, Dept. of Public Safety

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ANALYSIS
HB 27

The assumptions upon which this fiscal note is based fall into two categories as discussed more fully below:

Costs to ensure the APSIN Criminal History Record database is flagged so that law enforcement and other criminal justice agencies know a DNA record exists:

Costs to participate in design, implementation, program monitoring, problem resolution with the Crime Lab, Courts and/or Department of Corrections.

The Alaska Public Safety Information Network (APSIN) component provides the only statewide law enforcement computer network in Alaska with interfaces to national criminal justice information networks. APSIN currently services 39 communities, 172 agencies with 2,010 users.

APSIN maintains state databases and access to national databases for criminal history record, warrants and person information including fingerprints.

ROLE OF APSIN and National Criminal Justice Information Networks regarding DNA:

The role that APSIN should perform in the implementation of HB 27 is to provide a flag on the criminal history record to indicate that a DNA sample exists for lawful purposes authorized by the bill. The flag is simply an indicator, not the DNA record itself which would be located in the separately managed DNA Identification System defined in section 2 of this bill.

It is important for law enforcement and others to know that a DNA records exists. The most efficient method of providing law enforcement this information is with a field in the APSIN criminal history record that can be set to YES or NO indicating whether or not a DNA sample exists.

The manner in which APSIN should be updated is to require fingerprints to be taken of the individual at the time the blood sample is taken and forward the fingerprints to the Department of Public Safety, Division of Administrative Services, -Records and Identification Section (R&I). R&I would perform a fingerprint verification to ensure the correct persons criminal history record is updated.

ROLE OF APSIN In Assisting the State Crime Lab, police and criminal justice agencies:

APSIN will perform a two part support role.

In the first instance, APSIN programming staff need to participate in the design of the registration system to ensure proper flow between the Crime Lab, Records and Identification, APSIN Courts and/or Corrections. APSIN staff would participate in the analysis, design, review, programming, testing and ongoing maintenance of the registration system.

In the second instance, APSIN staff perform the Control Terminal Agency responsibilities for Alaska police and criminal justice agency participation with the FBI - National Crime Information Center (NCIC) and other FBI Criminal Justice Information Systems Division functions. APSIN staff would review existing FBI standards and recommendations to help ensure current and future compliance with FBI initiatives like CODIS and flagging criminal history records sent to or indexed with the FBI for DNA purposes.

Note: CODIS is an FBI pilot program that is networking a number of crime labs around the country to facilitate remote searching of DNA records for possible matches. Automated identifications have already been made in Florida using this system. In order for a network such as this to be successful and evolve into a national system, standards need to be finalized and agreements reached among the states to operate with a uniform set of rules and procedures.

COMMITTEE COPY

Cost Summary:

APSIN and other programming necessary to establish a DNA flag in the APSIN criminal history record and provide for periodic reconciliation of APSIN entries to records on the DNA registration System - \$10.0

Personal Services are required to assist in coordination of the project, draft procedures and regulations, provide problem resolution assistance. First Year - \$10.0. Continuing - \$5.0

COMMITTEE COPY

pg. 3 of 3

Adopt

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 27(JUD)

1 Page 2, lines 8 - 11:

2 Delete all material.

3 Insert "sample drawn for inclusion into the DNA identification registration system.

4 The DNA identification registration system consists of the blood samples drawn under this
5 section, any DNA or other blood grouping tests done on those samples, and the identification
6 data related to the samples or tests."

7 Page 2, line 31, through page 3, line 2:

8 Delete all material and insert:

9 "(f) The DNA identification registration system, blood samples, and
10 identification data are confidential, are not public records under AS 09.25.110 -
11 09.25.140, and may only be used for

12 (1) providing DNA or other blood grouping tests for identification
13 analysis;

14 (2) law enforcement purposes including criminal investigations and
15 prosecutions;

16 (3) statistical blind analysis; or

17 (4) improving the operation of the system."

ALASKA

CIVIL LIBERTIES UNION

An Affiliate of the American Civil Liberties Union
P. O. Box 201844 - 419 Barrow Street - Anchorage, A.K. 99520-1844
Phone: 907-258-0044 Fax: 907-258-0288

AkCLU
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January 31, 1995

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Executive Director

The Honorable Richard Foster and
Mark Hanley, Co-Chairs
Finance Committee
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Co-Chairs Foster and Hanley

This letter is written to advise you that the Alaska Civil Liberties Union (AkCLU) is opposed to passage of HB 27, regarding the creation and maintenance of an DNA data bank on persons convicted of felony sex offenses. Just as the AkCLU was last year opposed to the creation of a registry for sex offenders, the Union also opposes a DNA databank.

Unique and serious civil liberties concerns are raised when DNA samples or analyses are used to create a data bank or "registry" of information. First, increasingly, government officials have proposed monitoring more and more groups in our society as a criminal investigative or prosecutorial tool.

Second, technological advances have resulted in increasingly intrusive means of government surveillance. A blood or tissue sample (including the DNA) contains a *substantial* amount of personal information not pertinent to the government's law enforcement goals and which information should not be maintained by the government.

Third, government respect for individual privacy and autonomy is being greatly diminished to a point inconsistent with the aims of a free and open society. And, finally, this kind of legislation only further clarifies that the government does not believe in and does not further the goals of prisoner rehabilitation.

For these reasons, the Alaska Civil Liberties Union opposes the creation of DNA data banks for the purposes of identifying and investigating individuals as suspects in *future* criminal cases.

If the Alaska Legislature is determined to pass this legislation, without concern for the precedent such unwarranted government encroachment represents, the AkCLU urges the members of the House Finance Committee to seek specific information regarding the cost of maintaining such a data bank. In addition, we urge this Committee to place language in the bill that specifies protections for the samples retained for DNA analysis.

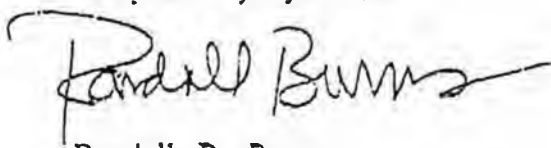
At the very least, this bill should make it clear that storage should be in a form that *minimizes* retention of extraneous information. In addition, the bill should contain language making it clear that data bank procedures must also assure the public that the use of the DNA sample is limited to its intended purpose, that it will not be available for research purposes or other intrusive practices.

Further, access to any stored information should be limited to specifically designated law enforcement officials for identification and prosecution of criminal offenders. Provision must also be made for the destruction of the DNA sample and any record of information it contains once the purpose for the taking of the sample no longer apply (e.g., the person is no longer alive; he or she is incarcerated for life).

Finally, the bill must state that individuals are guaranteed a right of access of their own DNA sample and any analysis or information record pertaining to that sample. Due process protections demands that these assurances be placed in the bill.

The willingness of Americans to give away essential freedoms and privacy rights in the guise of assisting law enforcement is of increasing concern to the AkCLU. We are holding the door open for Big Brother to visit, even knowing what kind of guest he will be.

Respectfully yours,



Randall P. Burns
Executive Director

cc: All Members, AkCLU Board of Directors
All Members, AkCLUF Litigation Committee

Alaska State Legislature

REPRESENTATIVE
SEAN R. PARNELL



716 WEST 4TH AVENUE, SUITE 110
ANCHORAGE, ALASKA 99501
(907) 258-8194

While in Juneau
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-2995

HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT House Bill 27

"An act directing the Department of Public Safety to establish and maintain a deoxyribonucleic acid (DNA) identification registration system."

This bill requires the Department of Public Safety (DPS) to draw a blood sample from persons convicted of a felony crime against a person and authorizes DPS to use the samples in establishing a DNA registration system for purposes of DNA analysis. DPS will use the data to investigate violent crimes and DPS may provide DNA analysis and testimony to law enforcement agencies and prosecutors throughout the state for use as evidence in court.

The bill requires compatibility of Alaska's DNA registration system with the Federal Bureau of Investigation's system. A local law enforcement agency may not establish or operate a DNA identification registration system unless the local DNA registration system is compatible with the state system. The DNA data may not be used for any purpose unrelated to a criminal investigation or improvement of the operation of the system.

DPS' State Crime Lab will be technologically incapable of maximizing use of a DNA databank or utilizing samples until 1997; however, DPS is currently capable of maintaining DNA fingerprints from convicted criminals. Passing HB 27 will establish a DNA database on convicted sex offenders and modernize our criminal prosecution efforts. I respectfully request your support of HB 27.

submitted after Bill passed from committee

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB27

Revision Date: _____ Dept. Affected: Alaska Judicial Council
 Title: Act directing DPS to establish a BRU: _____
DNA registration system Components: _____
 Sponsor: Parnell, etc.
 Requestor: _____ COMPONENT SERIAL NO. 0771

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.1	.4	.4	.4	.4	.4
SUPPLIES	.1					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	1.2	.4	.4	.4	.4	.4

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF /Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL						

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

The first year contractual funds include long distance telephone, teleconferences, computer research and postage. Existing staff would do the research and write the report on the use of DNA evidence. The Judicial Council would follow developments in the field and issue supplemental reports when necessary.

Prepared by: William T. Cotton Phone: 279-2526
 Agency: Alaska Judicial Council Date: 3/9/95

Approved by: William T. Cotton *William T. Cotton*
 Agency: Alaska Judicial Council Date: 3/9/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Conceptual Amend ^{9-LS0148G} And/or
to make Blood/oral Sample
consistent through bill

CS FOR HOUSE BILL NO. 27(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 1/26/95

Referred: Finance

Sponsor(s): REPRESENTATIVES PARNELL, Toohy, B.Davis, Porter, Green, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the Department of Public Safety to establish and maintain a
2 deoxyribonucleic acid (DNA) identification registration system and requiring DNA
3 registration by persons convicted of a felony crime against a person; and providing
4 for an effective date."

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

6 * ~~Section 1.~~ LEGISLATIVE FINDINGS. The legislature finds that

7 (1) recent developments in molecular biology and genetics have important
8 applications for forensic science; it has been scientifically established that there is a unique
9 pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of
10 the human body; the process for identifying this pattern is called "DNA identification"; and
11 (2) the accuracy of identification provided by this method is superior to that of
12 any presently existing technique and recognizes the importance of this scientific breakthrough
13 in providing a reliable and accurate tool for the investigation and prosecution of offenses.

delete

1 * Sec. 2. AS 44.41 is amended by adding a new section to read:

2 Sec. 44.41.035. DNA IDENTIFICATION SYSTEM. (a) To support criminal
3 justice services in this state, the Department of Public Safety shall establish a
4 deoxyribonucleic acid (DNA) identification registration system. ~~The DNA identification~~
5 ~~registration system as established shall be compatible with that utilized by the Federal~~
6 ~~Bureau of Investigation.~~

7 (b) A person convicted in this state of a crime against a person shall have a blood
8 sample drawn for purposes of DNA identification analysis. A blood sample taken under
9 this section may be used only for the purpose of providing DNA or other blood grouping
10 tests for identification analysis, for preparation of statistical blind analysis, and
11 prosecution of criminal offenses.

12 (c) The Department of Public Safety may provide

13 (1) DNA analysis services to law enforcement agencies throughout the
14 state; and

15 (2) assistance to law enforcement officials and prosecutors in the
16 preparation and utilization of DNA evidence for presentation in court.

17 (d) Except as provided in (e) of this section, a local law enforcement agency may
18 not establish or operate a DNA identification registration system unless

19 (1) the equipment and the DNA typing method of the local system are
20 compatible with that of the state system under (a) of this section;

21 (2) the local system is equipped to receive and answer inquiries from the
22 department's DNA identification registration system and transmit data to the department's
23 DNA identification registration system; and

24 (3) procedure and rules for the collection, analysis, storage, expungement,
25 and use of DNA identification data do not conflict with procedures and rules applicable
26 to the department's DNA identification registration system.

27 (e) Nothing in (d) of this section prohibits a local law enforcement agency from
28 performing DNA identification analysis in individual cases to assist law enforcement
29 officials and prosecutors in the preparation and use of DNA evidence for presentation in
30 court.

31 (f) DNA identification data may not be used for any purpose that is not related

1 to a criminal investigation or to improving the operation of the system authorized by this
2 section.

3 (g) In this section, "crime against a person" means a felony offense, or a felony
4 attempt to commit an offense, under AS 11.41, other than AS 11.41.320, or under
5 AS 11.46.400.

6 * Sec. 3. APPLICABILITY. This Act applies to all convictions occurring on or after the
7 effective date of this Act for a crime against a person, as that term is defined in sec. 2 of this Act.

8 * Sec. 4. This Act takes effect January 1, 1996.

9-LS0148K
Luckhaupt
2/1/95

CS FOR HOUSE BILL NO. 27(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES PARNELL, Toohey, B.Davis, Porter, Green, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the Department of Public Safety to establish and maintain a
2 deoxyribonucleic acid (DNA) identification registration system and requiring DNA
3 registration by persons convicted of a felony crime against a person and of
4 juveniles 16 years of age or older who are adjudicated a delinquent for an act
5 that would be a felony crime against a person if committed by an adult; and
6 providing for an effective date."

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

8 * Section 1. AS 44.41 is amended by adding a new section to read:

9 Sec. 44.41.035. DNA IDENTIFICATION SYSTEM. (a) To support criminal
10 justice services in this state, the Department of Public Safety shall establish a
11 deoxyribonucleic acid (DNA) identification registration system.

12 (b) The Department, of Public Safety shall collect for inclusion into the DNA
13 registration system a blood sample, oral sample, or both, from (1) a person convicted

1 of a crime against a person, and (2) a juvenile 16 years of age or older, adjudicated
2 as a delinquent for an act that would be a crime against a person if committed by an
3 adult. The DNA identification registration system consists of the blood or oral
4 samples drawn under this section, any DNA or other blood grouping tests done on
5 those samples, and the identification data related to the samples or tests.

6 (c) The Department of Public Safety may provide

7 (1) DNA analysis services to law enforcement agencies throughout the
8 state; and

9 (2) assistance to law enforcement officials and prosecutors in the
10 preparation and utilization of DNA evidence for presentation in court.

11 (d) Except as provided in (e) of this section, a local law enforcement agency
12 may not establish or operate a DNA identification registration system unless

13 (1) the equipment and the DNA typing method of the local system are
14 compatible with that of the state system under (a) of this section;

15 (2) the local system is equipped to receive and answer inquiries from
16 the department's DNA identification registration system and transmit data to the
17 department's DNA identification registration system; and

18 (3) procedure and rules for the collection, analysis, storage,
19 expungement, and use of DNA identification data do not conflict with procedures and
20 rules applicable to the department's DNA identification registration system.

21 (e) Nothing in (d) of this section prohibits a local law enforcement agency
22 from performing DNA identification analysis in individual cases to assist law
23 enforcement officials and prosecutors in the preparation and use of DNA evidence for
24 presentation in court.

25 (f) The DNA identification registration system, blood or oral samples, and
26 identification data are confidential, are not public records under AS 09.25.110 -
27 09.25.140, and may be used only for

28 (1) providing DNA or other blood grouping tests for identification
29 analysis;

30 (2) law enforcement purposes including criminal investigations and
31 prosecutions;

1 (3) statistical blind analysis; or

2 (4) improving the operation of the system.

3 (g) The Department of Public Safety shall destroy the blood or oral samples
4 and any identification data of a person whose conviction or juvenile adjudication for
5 a crime against a person that subjected the person to having a sample drawn under this
6 section is reversed and the person may not be retried or readjudicated for the crime,
7 or after the retrial the person is acquitted of the crime, or after the readjudication the
8 person is not found to be a delinquent.

9 (h) In this section, "crime against a person" means a felony offense, or a
10 felony attempt to commit an offense, under AS 11.41, other than AS 11.41.320, or
11 under AS 11.46.400.

12 * Sec. 2. APPLICABILITY. This Act applies to all convictions occurring on or after the
13 effective date of this Act for a crime against a person, as that term is defined in sec. 1 of this
14 Act.

15 * Sec. 3. This Act takes effect January 1, 1996.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 1, 1995

SUBJECT: DNA Identification Registration System (Work Order No. 9-LS0148K)

TO: Representative Mark Hanley
Attn: Michelle

FROM: Gerald P. Luckhaupt *JPL*
Legislative Counsel

I have been reconciling the amendments adopted by the Finance Committee on 1/31/95 to CSHB 27(FIN). Representative Brown's amendment G.1, Representative Parnell's amendment that deals with the testing of delinquents over the age of 16, and the oral sample amendment all amended subsection (b) appearing on page 2, lines 7 - 1. I have attempted to give effect to all the amendments and subsection (b) will now read:

(b) The Department of Public Safety shall collect for inclusion into the DNA identification registration system a blood sample, oral sample, or both, from (1) a person convicted of a crime against a person, and (2) a juvenile 16 years of age or older, adjudicated as a delinquent for an act that would be a crime against a person if committed by an adult. The DNA identification registration system consists of the blood or oral samples drawn under this section, any DNA or other blood grouping tests done on those samples, and the identification data related to the samples or tests.

The addition of juveniles to those being testing will require a change in the title even though I neglected to include one in the amendment I drafted on this subject. CSHB 27(JUD) has a relatively tight title especially in regard to who may be tested. The change to the title would be:

To: CSHB 27(JUD)
Page 1, line 3, following "a person":
Insert "and of juveniles 16 years of age or older who are adjudicated a delinquent for an act that would be a felony crime against a person if committed by an adult"

Representative Mark Hanley

February 1, 1995

Page 2

Having had the benefit of another day to look at these amendments and the committee substitute I do have several suggestions for technical or other amendments.

1. In Representative Parnell's amendment dealing with testing of some juveniles and in my suggested title amendment above I recommend that the committee change "juvenile" to "minor". "Minor" is the term predominately used in AS 47.10¹ and appears to always be used in connection with a delinquency finding. I used "juvenile" in the original amendment I drafted on this subject which led everyone astray.

2. Representative Brown's amendment G.1, attempted to clean up the differences between subsections (b) and (f) about what is in the DNA identification registration system and to clarify that the system is confidential. Note that the amendment does not specifically mention the tests themselves in the language being added in subsection (f). If the committee believes "tests" should be added, "tests done on the samples," could be added on line 9 of Amendment G.1, following "samples," and "tests," would be added on line 6 of Amendment G.2, following "samples".

3. New subsection (g) added by Amendment G.2 could be reworked to make it more understandable. To do this we would eliminate the language of the amendment and replace it with the following:

(g) The Department of Public Safety shall destroy the blood sample and any identification data of a person if

(1) the conviction or adjudication that subjected the person to having a sample taken under this section is reversed; and

(2) the person

(A) may not be retried or readjudicated for the crime; or

(B) after retrial the person is acquitted of the crime or after readjudication for the crime the person is not found to be a delinquent.

GPL:glc
95-108.glc

¹"Child" is also used.



Rick Mystrom,
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500



Service since 1921

January 24, 1995

Representative Sean R. Parnell
Alaska State Legislature
Juneau, Alaska 99801-1182

Dear Representative Parnell:

The Anchorage Police Department strongly supports the passage of House Bill 27, which establishes a deoxyribonucleic acid (DNA) registration system for convicted felony sex offenders. It has long been known that sex offenders have a higher rate of recidivism than those convicted of most other crimes.

This law would provide criminal justice agencies with an important scientific tool in the apprehension of those who continue to prey on innocent victims.

Sincerely,

Kevin M. O'Leary
Chief of Police

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY

STATE OF ALASKA

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150 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 23, 1995

SUBJECT: House Bill 27, directing establishment of a DNA identification registration system, and requiring registration in it by convicted felony sex offenders: sectional analysis (Work Order No. 9-LS0148\A)

TO: Representative Sean Parnell
ATTN: Richard Vitale

FROM: Jack Chenoweth
Legislative Counsel

The bill would direct the Department of Public Safety to establish and maintain a statewide deoxyribonucleic acid (DNA) identification system and require that persons convicted of felony sex offenses be registered to it. The measure tracks relevant provisions of the comparable Washington enactment, codified as RCW 43.43.752 - 43.43.759.

Bill section 1 sets out legislative findings for the measure.

Bill section 2, adding a proposed new section, AS 44.41.035, prescribes establishment and maintenance of the DNA identification system:

-- subsection (a) directs the Department of Public Safety to establish the system, to be compatible with the existing FBI registration system;

-- subsection (b) directs that persons convicted of sex offenses--the term is defined in proposed AS 44.41.035(g)--have a blood sample drawn for purposes of DNA identification analysis, and sets limits on the proper use of that blood sample;

-- subsection (c) enumerates additional powers of the department relevant to DNA analysis;

-- subsection (d) imposes limitations on local (municipal) law enforcement operation of comparable DNA identification registration systems;

-- subsection (e) explicitly permits local law enforcement agencies to perform DNA identification analysis;

Representative Sean Parnell

January 23, 1995

Page 2

-- subsection (f) prescribes limitations on the use of DNA identification data; and

-- subsection (g) sets out a definition of the term "sex offense"; the definition's cross-reference to AS 12.63.100 adapts the definition of crimes that are, in fact, felony offenses.

Bill section 3 gives the measure a January 1, 1996, effective date.

JBC:glc

95-087.glc

Summary of DNA Database Hits in Minnesota

Minnesota's central crime laboratory in St. Paul has been a CODIS pilot site for the past several years as the system was under development. They have begun to show some success in linking sexual assault and murder cases to their state DNA database of convicted offenders, as the following cases show:

1. November 1994: A man wearing a nylon stocking over his face and armed with a knife jumped out from behind bushes and forced a woman who was walking by to perform oral sex. Semen was recovered from the victim's skirt and saliva samples. A suspect was excluded based on conventional serology. Searching Minnesota's DNA database, however, identified Terry Lee Anderson, who confessed and is now in prison.
2. October 1994: In St. Paul, a woman was grabbed by the neck and taken several blocks to an area near the railroad tracks. She was held by the neck, raped, and left at the scene. A suspect was eliminated because his DNA profile did not match the rape evidence. A previously unknown suspect was identified when the rapist's DNA was searched against Minnesota's DNA database.
3. October 1994: Two men were accused of sexually assaulting a woman whom they had brought home. She had been carrying a sign that said, "Work for food", and was intoxicated and bruised when police arrived. Both suspects were eliminated as contributors of the semen found on the woman's underwear. The DNA from the semen was then matched to a man who had been required to provide a blood sample from DNA typing as a result of a previous conviction.
4. October 1994: DNA evidence was matched from two unrelated assaults involving forced oral sex. Police departments in the two towns where the assaults occurred were notified that the same man committed both acts. A suspect was identified by searching the state DNA database.
5. February 1993: A woman entering her home was caught from behind and threatened with a screw driver. She was hooded with a ski mask, forced into her own car, and driven to a remote site where she was raped. Her attacker then dropped her off near her home and abandoned the car nearby. DNA evidence from vaginal swabs and the carpet from the car was matched in the DNA database to Troy Bradley Bloom. Bloom was convicted and sentenced to 30 years.
6. December 1991: Jean Broderick was raped and murdered in her home. Police had no suspect. The DNA from semen found on the Ms. Broderick's buttocks was matched to Martin Estrada Perez.

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SCIENTIFIC ANALYSIS SECT

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P. 22/82

whose DNA profile was stored in Minnesota's DNA database. Perez was found guilty of murder and sentenced to life in prison without the possibility of parole. His conviction and sentence were affirmed by the Minnesota Supreme Court. [Note: Perez was an illegal alien from Mexico who had a history of sexual assaults in Georgia, Texas and Minnesota. Perez had been deported to Mexico following his previous release from prison by Minnesota. He quickly made his way back to Minnesota where he was arrested for burglary. Because he gave an alias, his previous convictions were not discovered. Jean Broderick was murdered a few days after he was released on the burglary charges.]

CS for House Bill No. 27()

Page 3, lines 2 - 4 : Offenses include:

- AS 11.41.100 - Murder in the first degree; Unclassified felony.
- AS 11.41.110 - Murder in the second degree; Unclassified felony.
- AS 11.41.120 - Manslaughter - Class A felony.
- AS 11.41.130 - Criminally negligent homicide; Class C felony.
- AS 11.41.200 - Assault in the first degree - Class A felony.
- AS 11.41.210 - Assault in the second degree - Class B felony.
- AS 11.41.220 - Assault in the third degree - Class C felony.
- AS 11.41.260 - Stalking in the first degree; Class C felony.
- AS 11.41.300 - Kidnapping; Unclassified felony or Class A felony, depending on affirmative defense.
- AS 11.41.410 - Sexual assault in the first degree; Unclassified felony.
- AS 11.41.420 - Sexual assault in the second degree; Class B felony.
- AS 11.41.425 - Sexual assault in the third degree; Class C felony.
- AS 11.41.434 - Sexual abuse of a minor in the first degree; Unclassified felony.
- AS 11.41.436 - Sexual abuse of a minor in the second degree; Class B felony.
- AS 11.41.438 - Sexual abuse of a minor in the third degree; Class C felony.
- AS 11.41.450 - Incest; Class C felony.
- AS 11.41.455 - Unlawful exploitation of a minor; Class B felony.
- AS 11.41.500 - Robbery in the first degree; Class A felony.
- AS 11.41.510 - Robbery in the second degree; Class B felony.
- AS 11.41.520 - Extortion; Class B felony.
- AS 11.46.400 - Arson in the first degree; Class A felony.

The CS also requires DNA identification analysis of persons convicted of attempts to commit felonies under AS 11.41 or AS

11.46.400 if the attempt is itself a felony. AS 11.41.320 (Custodial interference) is excluded from the requirements of the bill.

9-LS0148K ✓
Luckhaupt
2/1/95

*Changes
Made
1/31/95*

**CS FOR HOUSE BILL NO. 27(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES PARNELL, Toohey, B.Davis, Porter, Green, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the Department of Public Safety to establish and maintain a
2 deoxyribonucleic acid (DNA) identification registration system and requiring DNA
3 registration by persons convicted of a felony crime against a person and of
4 juveniles 16 years of age or older who are adjudicated a delinquent for an act
5 that would be a felony crime against a person if committed by an adult; and
6 providing for an effective date."

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

8 * **Section 1.** AS 44.41 is amended by adding a new section to read:

9 Sec. 44.41.035. DNA IDENTIFICATION SYSTEM. (a) To support criminal
10 justice services in this state, the Department of Public Safety shall establish a
11 deoxyribonucleic acid (DNA) identification registration system.

12 (b) The Department of Public Safety shall collect for inclusion into the DNA
13 registration system a blood sample, oral sample, or both, from (1) a person convicted

1 of a crime against a person, and (2) a juvenile 16 years of age or older, adjudicated
2 as a delinquent for an act that would be a crime against a person if committed by an
3 adult. The DNA identification registration system consists of the blood or oral
4 samples drawn under this section, any DNA or other blood grouping tests done on
5 those samples, and the identification data related to the samples or tests.

6 (c) The Department of Public Safety may provide

7 (1) DNA analysis services to law enforcement agencies throughout the
8 state; and

9 (2) assistance to law enforcement officials and prosecutors in the
10 preparation and utilization of DNA evidence for presentation in court.

11 (d) Except as provided in (e) of this section, a local law enforcement agency
12 may not establish or operate a DNA identification registration system unless

13 (1) the equipment and the DNA typing method of the local system are
14 compatible with that of the state system under (a) of this section;

15 (2) the local system is equipped to receive and answer inquiries from
16 the department's DNA identification registration system and transmit data to the
17 department's DNA identification registration system; and

18 (3) procedure and rules for the collection, analysis, storage,
19 expungement, and use of DNA identification data do not conflict with procedures and
20 rules applicable to the department's DNA identification registration system.

21 (e) Nothing in (d) of this section prohibits a local law enforcement agency
22 from performing DNA identification analysis in individual cases to assist law
23 enforcement officials and prosecutors in the preparation and use of DNA evidence for
24 presentation in court.

25 (f) The DNA identification registration system, blood or oral samples, and
26 identification data are confidential, are not public records under AS 09.25.110 -
27 09.25.140, and may be used only for

28 (1) providing DNA or other blood grouping tests for identification
29 analysis;

30 (2) law enforcement purposes including criminal investigations and
31 prosecutions;

1 (3) statistical blind analysis; or

2 (4) improving the operation of the system.

3 (g) The Department of Public Safety shall destroy the blood or oral samples
4 and any identification data of a person whose conviction or juvenile adjudication for
5 a crime against a person that subjected the person to having a sample drawn under this
6 section is reversed and the person may not be retried or readjudicated for the crime,
7 or after the retrial the person is acquitted of the crime, or after the readjudication the
8 person is not found to be a delinquent.

9 (h) In this section, "crime against a person" means a felony offense, or a
10 felony attempt to commit an offense, under AS 11.41, other than AS 11.41.320, or
11 under AS 11.46.400.

12 * Sec. 2. APPLICABILITY. This Act applies to all convictions occurring on or after the
13 effective date of this Act for a crime against a person, as that term is defined in sec. 1 of this
14 Act.

15 * Sec. 3. This Act takes effect January 1, 1996.

C O R R E C T I O N

Discard CSHB 27 (JUD)

and retain this corrected version.

* 1 - replace juvenile with minor

CS FOR HOUSE BILL NO. 27(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 1/26/95

Referred: Finance

Sponsor(s): REPRESENTATIVES PARNELL, Toohey, B.Davis, Porter, Green, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the Department of Public Safety to establish and maintain a
2 deoxyribonucleic acid (DNA) identification registration system and requiring DNA
3 registration by persons convicted of a felony crime against a person; and providing
4 for an effective date."

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

6 * **Section 1. LEGISLATIVE FINDINGS.** The legislature finds that

7 (1) recent developments in molecular biology and genetics have important
8 applications for forensic science; it has been scientifically established that there is a unique
9 pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of
10 the human body; the process for identifying this pattern is called "DNA identification"; and

11 (2) the accuracy of identification provided by this method is superior to that of
12 any presently existing technique and recognizes the importance of this scientific breakthrough
13 in providing a reliable and accurate tool for the investigation and prosecution of offenses.

1 * Sec. 2. AS 44.41 is amended by adding a new section to read:

2 Sec. 44.41.035. DNA IDENTIFICATION SYSTEM. (a) To support criminal
3 justice services in this state, the Department of Public Safety shall establish a
4 deoxyribonucleic acid (DNA) identification registration system. The DNA identification
5 registration system as established shall be compatible with that utilized by the Federal
6 Bureau of Investigation.

7 (b) A person convicted in this state of a crime against a person shall have a blood
8 sample drawn for purposes of DNA identification analysis. A blood sample taken under
9 this section may be used only for the purpose of providing DNA or other blood grouping
10 tests for identification analysis, for preparation of statistical blind analysis, and
11 prosecution of criminal offenses.

12 (c) The Department of Public Safety may provide

13 (1) DNA analysis services to law enforcement agencies throughout the
14 state; and

15 (2) assistance to law enforcement officials and prosecutors in the
16 preparation and utilization of DNA evidence for presentation in court.

17 (d) Except as provided in (e) of this section, a local law enforcement agency may
18 not establish or operate a DNA identification registration system unless

19 (1) the equipment and the DNA typing method of the local system are
20 compatible with that of the state system under (a) of this section;

21 (2) the local system is equipped to receive and answer inquiries from the
22 department's DNA identification registration system and transmit data to the department's
23 DNA identification registration system; and

24 (3) procedure and rules for the collection, analysis, storage, expungement,
25 and use of DNA identification data do not conflict with procedures and rules applicable
26 to the department's DNA identification registration system.

27 (e) Nothing in (d) of this section prohibits a local law enforcement agency from
28 performing DNA identification analysis in individual cases to assist law enforcement
29 officials and prosecutors in the preparation and use of DNA evidence for presentation in
30 court.

31 (f) DNA identification data may not be used for any purpose that is not related

1 to a criminal investigation or to improving the operation of the system authorized by this
2 section.

3 (g) In this section, "crime against a person" means a felony offense, or a felony
4 attempt to commit an offense, under AS 11.41, other than AS 11.41.320, or under
5 AS 11.46.400.

6 * Sec. 3. APPLICABILITY. This Act applies to all convictions occurring on or after the
7 effective date of this Act for a crime against a person, as that term is defined in sec. 2 of this Act.

8 * Sec. 4. This Act takes effect January 1, 1996.