

SB

13

SFIN

FILE



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 485-3701
FAX: 485-2832

FOR YOUR IMMEDIATE ATTENTION

DATE: 2/14

TO SENATE COMMITTEE: Finance - retrieve from
Rathy

FROM: Office of the Senate Secretary

The Chairman of the above-referenced Committee has waived the Committee referral on the following bill(s):

SB 13

DNA -

Please give the bill file(s) to the page delivering this message for forwarding to the next Committee of referral.

Thank you for your prompt attention to this request.

JR/s

2/1/95 #3
(S)JUD, FIN

FISCAL NOTE

STATE OF ALASKA

BILL NO: SB 13

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to the admissibility of DNA evidence and testimony in criminal/civil proceedings." BRU: DPS Statewide
 Sponsor: Senator Leman Component: Commissioner's Office
 Requestor: (S) Judiciary COMPONENT SERIAL NO. 0523

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

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

SB 13

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-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.)
 No significant fiscal impact is anticipated.

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: 01/27/95
 Approved by Commissioner: *Del Smith* Date: 01/27/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 2

Bill Version: SB 13

(S) Publish Date: 2-9-95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the admissibility of evidence and BRU: _____
testimony related to DNA profiles Component: _____
 Sponsor: Sen. Leman
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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						
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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	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill relates to expert testimony related to DNA testing. According to the most recent discussions involving the Department of Law and the Department of Public Safety, the Department of Corrections role in this issue would be to collect the blood samples and transport to a designated location. It is not anticipated that any costs would be incurred with respect to the effects of this bill.

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: [Signature]
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/25/95
 Date: 1/25/95

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1127195
 (E) JUD
 THEN FM

FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO. SB 13 1

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the admissibility of evidence and BRU: _____
testimony related to DNA profiles Component: _____
 Sponsor: Sen. Leman
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
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Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: Walter M. Pugh
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/25/95
 Date: 1/25/95

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SB 13

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FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO. SB 13

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...admissibility of evidence and testimony in BRU: Prosecution
criminal and civil proceedings...deoxyribonucleic acid (DNA) profiles..." Component: All
 Sponsor: Senator Leman
 Requester: Senator Leman 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	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill changes the Alaska Rules of Evidence to provide for the admissibility of DNA profiles in civil and criminal actions or proceedings to prove or disprove the identity of a person. In so doing, the bill adopts the standard for admissibility of scientific evidence adopted by the U.S. Supreme Court in 1993 for use by federal courts. Currently, Alaska's courts apply a standard for admissibility of scientific evidence that dates from the 1920s. The current standard does not take into account new or rapidly developing science for the identification of persons, and courts have sometimes not admitted into evidence the most recent testing methods. For instance, DNA evidence has been proven to be scientifically valid and of extreme value for both the defense and the prosecution for identification purposes. However, in the 2 or 3 cases where the issue of the standard for the admissibility of DNA evidence has been litigated, the department has had to spend \$20,000, in each case, for out-of-state experts, with only partial success. Consequently, the bill will reduce the department's cost to have DNA evidence admitted at trial and free its limited resources to handle other prosecutions that it has been forced to decline.

Prepared by: Richard I. Pegues, 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

Bill Version: SB 13
 (S) Publish Date: 2-9-95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...admissibility of evidence and testimony in
criminal and civil proceedings...deoxyribonucleic acid (DNA) profiles..." BRU: Prosecution
 Sponsor: Senator Leman Component: All
 Requester: Senator Leman COMPONENT SERIAL NO. 0085 - 0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
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Other						
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Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill changes the Alaska Rules of Evidence to provide for the admissibility of DNA profiles in civil and criminal actions or proceedings to prove or disprove the identity of a person. In so doing, the bill adopts the standard for admissibility of scientific evidence adopted by the U.S. Supreme Court in 1993 for use by federal courts. Currently, Alaska's courts apply a standard for admissibility of scientific evidence that dates from the 1920s. The current standard does not take into account new or rapidly developing science for the identification of persons, and courts have sometimes not admitted into evidence the most recent testing methods. For instance, DNA evidence has been proven to be scientifically valid and of extreme value for both the defense and the prosecution for identification purposes. However, in the 2 or 3 cases where the issue of the standard for the admissibility of DNA evidence has been litigated, the department has had to spend \$20,000, in each case, for out-of-state experts, with only partial success. Consequently, the bill will reduce the department's cost to have DNA evidence admitted at trial and free its limited resources to handle other prosecutions that it has been forced to decline.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/23/95
 Date: 1/23/95

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SENATE COMMITTEE REPORT

First Committee of Referral

four
DATE: 1/16/95

FURTHER: Finance

Date of 5-Day Notice: 1/26/95
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-9-95

Judiciary Committee considered SENATE BILL NO. 13

DNA Evidence

Admissibility of evidence and testimony in criminal and civil proceedings; directing the admissibility into evidence of DNA profiles; amending Rules 702(a) and 703 of the Alaska Rules of Evidence, and amending Rules 401, 403, and 705 of the Alaska Rules of Evidence.

3 PHON'S

and recommends:

- be replaced with CS SB 13 (Jud) Senate Bill: same title
- adopt previous CS House Bill: technical change
- attached amendment(s) new: SCR# _____
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

SIGNING WITH RECOMMENDATIONS: DP	DP	DNP	NR	AM
<i>Mike Miller DOP</i>	✓			
<i>Al Adams 2 NR</i>			X	
<i>Linda Green DOP</i>	✓			
<i>Phyllis 2 NR</i>			X	
CHAIR: <i>Robin L. Taylor JD</i>	✓			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>DPS/</i>	<i>1/27/95</i>	✓	
<i>DOI ad</i>	<i>1/23/95</i>	✓	
<i>Corrections</i>	<i>1/25/95</i>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill