

SB

33

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/16/07

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 33

SB 33 DNA FROM PERSONS CHARGED WITH FELONIES

"An Act relating to DNA samples from persons charged with felonies."

and recommends:

- be replaced with SCS or CS SB 33 (STA)
- adopt previous SCS or CS _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOC	03/07			✓	
LAW	03/08			✓	
DPS	03/12	✓			
ADMN			✓		
ADMN			✓		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
				X	
	Green	✓			
	Bundie	✓			
CHAIR:	McBryne			X	

25-LS0260\E
Luckhaupt
3/16/07

CS FOR SENATE BILL NO. 33()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

#3

2 change
line 15
lines 23

BY

**Offered:
Referred:**

Sponsor(s): SENATOR BUNDE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to DNA samples from persons arrested for certain offences."**

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

3 *** Section 1. AS 44.41.035(b) is amended to read:**

4 (b) The Department of Public Safety shall collect for inclusion into the DNA
5 registration system a blood sample, oral sample, or both, from (1) a person convicted
6 in this state of a crime against a person or a felony under AS 11 or AS 28.35 or a law
7 or ordinance with elements similar to a crime against a person or a felony under AS 11
8 or AS 28.35, (2) a minor 16 years of age or older, adjudicated as a delinquent in this
9 state for an act that would be a crime against a person or a felony under AS 11 or
10 AS 28.35 if committed by an adult or for an act that would violate a law or ordinance
11 with elements similar to a crime against a person or a felony under AS 11 or AS 28.35
12 if committed by an adult, (3) a voluntary donor, (4) an anonymous DNA donor for use
13 in forensic validation, forensic protocol development, quality control, or population or
14 statistical data bases, [AND] (5) a person required to register as a sex offender or child
15 kidnapper under AS 12.63, and (6) a person arrested for a crime against a person

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or a felony under AS 11 or AS 28.35, or a law or ordinance with elements similar to a crime against a person or a felony under AS 11 or AS 28.35. The department also may collect for inclusion into the DNA registration system a blood sample, oral sample, or tissue sample from crime scene evidence or from unidentified human remains. The DNA identification registration system consists of the blood, oral, or tissue 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. Blood samples, oral samples, and tissue samples not subject to testing under this section, and test or identification data related to those samples, may not be entered into, or made a part of, the DNA identification registration system.

* Sec. 2. AS 44.41.035(i) is amended to read:

(i) The Department of Public Safety shall, upon receipt of a court order, destroy the material in the system relating to a person. The court shall issue the order if the person's DNA was included in the system under

or minors under 16 or minor of 11.5.

(1) (b)(1) or (2) of this section and the court [IT] determines that

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

(B) [(2)] the person

(i) [(A)] is not retried or readjudicated for the crime; or

(ii) [(B)] after retrial, is acquitted of the crime or, after readjudication for the crime, is not found to be a delinquent; or

(2) (b)(6) of this section and the court determines that

(A) the person arrested was released without being charged; or

(B) the criminal complaint, indictment, presentment, or information has been dismissed.

* Sec. 3. AS 44.41.035(l) is amended to read:

(l) The Department of Public Safety may not include in the DNA registration system a blood sample, oral sample, or tissue sample of the victim of a crime, unless that person would otherwise be included under (b)(1) - (6) [(b)(1) - (5)] of this section.

25-LS0260\C
Luckhaupt
3/5/07

★ ADOPTED ★
CS FOR SENATE BILL NO. 33()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR BUNDE

A BILL

FOR AN ACT ENTITLED

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8 or AS 28.35, (2) a minor 16 years of age or older, adjudicated as a delinquent in this
9 state for an act that would be a crime against a person or a felony under AS 11 or
10 AS 28.35 if committed by an adult or for an act that would violate a law or ordinance
11 with elements similar to a crime against a person or a felony under AS 11 or AS 28.35
12 if committed by an adult, (3) a voluntary donor, (4) an anonymous DNA donor for use
13 in forensic validation, forensic protocol development, quality control, or population or
14 statistical data bases, [AND] (5) a person required to register as a sex offender or child
15 kidnapper under AS 12.63, and (6) a person charged in a criminal complaint.

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2 felony under AS 11 or AS 28.35, or a law or ordinance with elements similar to a
3 crime against a person or a felony under AS 11 or AS 28.35. The department also
4 may collect for inclusion into the DNA registration system a blood sample, oral
5 sample, or tissue sample from crime scene evidence or from unidentified human
6 remains. The DNA identification registration system consists of the blood, oral, or
7 tissue samples drawn under this section, any DNA or other blood grouping tests done
8 on those samples, and the identification data related to the samples or tests. Blood
9 samples, oral samples, and tissue samples not subject to testing under this section, and
10 test or identification data related to those samples, may not be entered into, or made a
11 part of, the DNA identification registration system.

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14 destroy the material in the system relating to a person. The court shall issue the order
15 if the person's DNA was included in the system under

16 (1) (b)(1) or (2) of this section and the court [IT] determines that

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

19 (B) [(2)] the person

20 (i) [(A)] is not retried or readjudicated for the crime; or

21 (ii) [(B)] after retrial, is acquitted of the crime or, after
22 readjudication for the crime, is not found to be a delinquent; or

23 (2) (b)(6) of this section and the court determines that the criminal
24 complaint, indictment, presentment, or information has been dismissed.

25 * Sec. 3. AS 44.41.035(l) is amended to read:

26 (l) The Department of Public Safety may not include in the DNA registration
27 system a blood sample, oral sample, or tissue sample of the victim of a crime, unless
28 that person would otherwise be included under (b)(1) - (6) [(b)(1) - (5)] of this section.



Senator Con Bunde
Senate District P
Alaska State Legislature

Member: Senate State Affairs Committee
Member: Senate Labor & Commerce Committee
Member: Joint Legislative Committee on Ethics

Sponsor Statement

SB 33 DNA from Persons Charged with Felonies and Crimes Against a Person

Currently our law enforcement officials may only collect DNA samples from persons *convicted* of a felon or crime against another person. Within these parameters, they are limited in their ability to solve crimes as expediently or as efficiently as they could. Often the suspects arrested are also related to other unsolved crimes, and collecting their DNA upon arrest could give law enforcement important leads. And on the flip side, DNA sampling can work for the innocent who are mistakenly incarcerated, only to reveal their DNA does not match the evidence initially provided.

SB 33 would allow law enforcement to take a blood or tissue DNA sample at the *time of arrest* for a felony or crime against a person. By doing so they would be able to use the sample to check against other pending or unsolved crimes. If it turns out the arrest is erroneous or the conviction is reversed or dismissed, the DNA sample, by law, will be required to be destroyed and expunged from their database.

Collection of the DNA is specifically for law enforcement purposes only. Federal law imposes a fine of \$250,000 or imprisonment for one year for intentional misuse or unauthorized disclosure of DNA data, providing protection for the innocent and the erroneously accused.

With Alaska's violent and felony crimes showing a marked increase, SB 33 would give our law enforcement another tool to expeditiously convict felons and protect the public.



25th ALASKA STATE LEGISLATURE

SENATE REPUBLICAN CAUCUS

SENATOR GENE THERRIAULT, MINORITY LEADER
STATE CAPITOL, ROOM 427, 465-4797 (FAX 465-3884)

www.aksenateminority.com

SENATOR CON BUNDE
SENATOR FRED DYSON
SENATOR TOM WAGONER
SENATOR GARY WILKEN

Fact Sheet for: Senate Bill 33

Contact: Jane Alberts, 465-4843

Bill Version: SB 33

Sponsor: Senator Con Bunde

Short Title: DNA FROM PERSONS CHARGED WITH FELONIES

Summary:

- Allows the Department of Public Safety to collect a DNA sample from a person charged with a felony under Alaska's criminal code for inclusion in the DNA registration system.
- Requires the department to destroy the sample upon receipt of a court order that the charge has been dismissed.

Benefits:

- Provides valuable information to help law enforcement officials solve crimes.
- Protects defendants' rights by requiring the destruction of the DNA sample if the person is acquitted.

Background:

- Currently Alaska's law enforcement officials may only collect DNA samples from convicted felons. This restriction limits the ability to solve crimes as expeditiously or as efficiently as possible. Often the suspects arrested are also associated with other unsolved crimes, and collecting their DNA upon arrest could give law enforcement important leads. It should be noted that federal law requires the Department of Public Safety to remove the DNA sample from the database if the suspect is not convicted. This protects the innocent and clears the record of those who are erroneously accused.

SKILLED

RESPONSIBLE

CONSERVATIVE



PASS KATIE'S LAW
SOLVE CRIMES, SAVE LIVES

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(505) 885-0715
KATIESLAW@SPRINGTIMESUPPLY.COM

November 20, 2006

The Honorable Con Bunde
716 W 4th Ave Ste 410
Anchorage, AK 99501-2107

Dear Senator Bunde:

The Alaska State Legislature has an important opportunity to close a loophole in public safety laws that allows violent criminals to come in and out of the criminal justice system without ever being identified for their heinous crimes. Even more tragically, these criminals are frequently released back into our neighborhoods where they remain free to victimize even more citizens. I hope that in 2007, Alaska will act to stop their crime sprees by enacting legislation to require DNA upon arrest for certain crimes.

In August of 2003, Katie Sepich, a beautiful, vivacious 22-year old, was working towards her MBA at New Mexico State University. But perhaps we are biased – we are her parents. Tragically, on the 31st of that month Katie was brutally raped and murdered, her body set on fire and left in an old city dump. Despite a concentrated effort by local law enforcement, there simply was not much evidence found from the crime and Katie's killer has not been identified. But his DNA profile has.

In the aftermath of Katie's death we discovered that most states do not permit law enforcement the vital investigatory tool of taking a DNA sample from persons arrested for serious crimes. Instead, most states make the criminal justice system wait until after a conviction has been secured before the DNA collection and analysis process is allowed to begin. We could not believe that the same reasoning used to take fingerprints upon arrest is not yet being applied to DNA. Too many criminals have arrest records that span years before a felony conviction is ever obtained. Moreover, federal law requires a process to be available to remove a DNA sample from the database if the arrest does not result in a conviction. In this, federal law ensures the DNA database is truly a tool used solely to find criminals, and not an effort to database the innocent.

Our best hope to catch Katie's killer is that someday he will be included on the DNA database. At first, this is all we wanted; to find and punish our Katie's murderer. But as we learned more about how DNA can solve crimes, we also learned that taking DNA upon arrest can do so much more—it can save lives. We accept the possibility that Katie's killer may never be brought to justice. But we do not accept that there is nothing we can do to help stop this horrible pain from visiting other families. DNA has the power not just to solve crimes, but also to prevent them – and legislators can make that happen.

In a study from the City of Chicago, eight chilling serial cases were identified of lives that were lost or irretrievably altered – 60 victims in all – and in each case a crime that could have been prevented had police been allowed to take a DNA sample for a prior felony arrest. We know who most of these criminals are. They frequent our criminal justice system. But without a law to require DNA collection, their prior crimes will remain unsolved and too many are freed to roam our streets again.

We fought to have a 2006 law passed in New Mexico to mandate DNA collections for most felony arrests for comparison against state and national databases. The bill passed both chambers in less than thirty days with a unanimous House vote and only five “no” votes in the Senate. “Katie's Law” was endorsed by the Governor, Lt. Governor, Attorney General and media outlets throughout the state. But our work is not done. There are still 43 states without this life-saving law.

We hope you will support this life-saving legislation and would be honored to assist you with introducing and passing “Katie's Law” in Alaska to require DNA from felony arrestees. I know that those in government who take a leading role in the passage of this law will be heroes in the eyes of their constituency. I have enclosed some documents for your consideration, and also encourage you to visit www.dnaresource.com for more information. The Gordon Thomas Honeywell Government Affairs firm has also offered its aid in this effort – Lisa Hurst is available for assistance with research, bill drafting, and development of additional support materials (202-251-8978 or lhurst@ath-gov.com).

Sincerely,

Dave & Jayann Sepich



Forensic DNA Testing *Fingerprints of the 21st Century*

Frees the Innocent as soon as possible and will not permit someone falsely accused to remain in jail when they should be freed. Consider the following exonerations in recent news:

Arkansas – Man detained in jail since April 2004 on murder charges finally released on December 31, 2004 after DNA evidence from the murder is not a match. (9 months incarceration without trial)

Arkansas Democrat-Gazette, February 20, 2005.

New Jersey -- Man detained in jail on rape charges since 2003 finally released March 2, 2005 after DNA evidence from the rape is not a match. (Over one year incarceration without trial)

Courier News, March 4, 2005.

Oregon – Man detained in jail since January 2006 on attempted murder charges finally released in July when analysis of DNA evidence from the crime is not a match. (Six months incarceration without trial)

Columbian, July 12, 2006.

West Virginia – Man detained in jail on rape charges since April 2004 finally released in February 2005 after DNA evidence from the rape is not a match. (10 months incarceration without trial)

The Associated Press, March 15, 2005.

Solves crime faster and keeps the guilty behind bars. Collecting DNA from arrestees means identifying criminals at an earlier stage in the criminal justice process, and will allow for more efficient prosecution practices. Virginia, which began collecting DNA from arrestees in 2003, has already solved 222 crimes through links to arrestees.

Prevents crime. A Chicago study has documented 60 *violent* crimes that could have been prevented if the perpetrator had been required to submit a DNA sample for a prior felony *arrest*. These 60 victims are a tragic testament to the potential for DNA testing of arrestees to halt the needless victimization of state residents.

Purges racial bias from the criminal justice system. The science of DNA is blind to race, and requiring DNA from all felony arrestees will ensure that those who are wrongfully accused of serious crimes will be freed in a timely manner. They will not become victims themselves of an overburdened system, with many wrongfully accused slipping through the cracks.

Minimally invasive and not similar to predictive genetic testing. Forensic DNA testing conducted on cheek cells gives only the most basic data necessary for a unique forensic identity. Crime labs do not have the personnel, training, software, time or money to screen DNA samples for predictive health tests. Moreover, such tests would serve no purpose to criminal investigations.

Federal and state laws strictly prohibit and harshly penalize any misuse of DNA samples collected for database purposes. Misuse includes disclosure of samples or related data for any use not related to law enforcement. The privacy of the forensic DNA samples is tightly guarded.

Use is specific to law enforcement. *Unlike fingerprints*, DNA databases are not, and cannot, be checked for the general purpose criminal history background checks that are often completed for employment screening by using fingerprints. By law, DNA taken from arrestees can only be used for comparison against profiles from unsolved crimes.

Not an effort to create a database of the innocent. DNA samples can be routinely expunged upon acquittal or dropped charges. Additionally, samples that are not expunged will have no impact on a person's criminal history record – the DNA database is only checked for linkages to DNA profiles found at unsolved crime scenes.

CAPTURING DNA'S CRIME FIGHTING POTENTIAL

By Donna Lyons

A bedroom window left open on a warm summer night. A little girl sexually assaulted and beaten to death. It was a "cold case" suited for a TV drama, but unfortunately it was not fiction. The recently solved 1986 murder of an 11-year-old Fort Worth, Texas, child is just one of a growing number of cold cases being investigated and solved today as a result of advances in DNA technology.

"Cold case squads" devoted to unsolved

DNA database. By 1999, every state had one. Lawmakers have continued to add categories of offenders who must provide samples.

"Commit a burglary in most any state, and your DNA will be added to a database. Even some misdemeanors in half of the states require a DNA sample," Asplen says.

PROLIFIC PROFILES

Forty-three states now have laws to collect DNA samples from all convicted felons, swelling the numbers of genetic profiles in state databases.

In 1992, the FBI nationalized the system

and juveniles charged with many serious crimes if probable cause has been determined.

"It was presented to us as the 'modern fingerprint,'" says Senator Jane Ranum of Minneapolis. "Some of us believed that there at least needed to be a probable cause determination in order to take someone's DNA. I'm more comfortable with how we passed it, requiring that judicial finding."

The law also requires destroying the DNA samples of people who later have charges dismissed. An attorney and former prosecutor, Senator Ranum says that enthusiasm to

DNA databases are expanding and solving many cold cases, but crime labs often lack the cold cash to fulfill their potential.

homicides now exist in most big city police departments. In Fort Worth, a single detective who investigates such cases was able to link the crime to a family acquaintance who had attended the girl's funeral. A DNA sample obtained from the convicted felon was matched to the case via a DNA database. Such "hits" are becoming routine as state and national databases hold more and more samples.

"The bigger the DNA database, the more successful," says Chris Asplen, vice president of the law firm Smith Alling Lane. As U.S. assistant attorney, he directed the Commission on the Future of DNA Evidence for attorneys general Janet Reno and John Ashcroft. "We get the most bang for the buck. We know the most valuable investment in forensics is to process DNA samples and evidence."

Virginia, in 1989, was the first state with a

with CODIS, the Combined DNA Index System. Now housing nearly 1.5 million samples, the system enables federal, state and local officials to exchange and compare DNA profiles electronically, scanning for matches between crime evidence and convicted offenders.

"Google it any day of the week and you'll see cold cases being solved as a result of DNA databases," says John Morgan, director of the Office of Science and Technology for the National Institute of Justice. The question before lawmakers, he says, is "how far are you willing to go with it?"

California, Louisiana, Minnesota, Texas and Virginia allow samples from people arrested but not yet convicted to be added to the state database. In the United Kingdom, every person arrested provides a DNA sample. Officials there think that within 15 to 20 years, they will have one-third of the male population of the U.K. in the database.

A Minnesota provision passed last year expands DNA sample collection to adults



SENATOR
JANE RANUM
MINNESOTA

expand DNA collection to arrestees should not overlook the potential impact on individual liberties and groups of people.

"We need to think about how, when we expand DNA databases to protect the public, we protect against creating new ways in which the criminal justice system has a disparate effect on minorities," she says.

Concerns about civil liberties raised by government genetic databases often are overshadowed by practical concerns about capacity and funding to process all of the DNA samples called for under state laws. Also troubling is that the use of and demand for DNA in criminal justice has exposed quality assurance problems in some crime labs.

BACKLOGS PERSIST

State forensic labs haven't been able to keep up with the dramatic increases in demand,

Donna Lyons heads NCSL's Criminal Justice Program in Denver, Colorado.

according to Morgan. The Justice Department estimates that as many as 1 million DNA samples are owed to a database—that is, people who are required under their state law to provide a sample but have not done so.

"This includes people being released from prisons and going back into your communities," Morgan says.

There also are significant backlogs in testing and processing samples that have been collected, perhaps another half million. And evidence from homicides, sexual assaults and property crimes are similarly backlogged.

Some states have slowed and prioritized the collection and analysis of DNA samples to try to keep from getting too far behind. Many crime labs lack up-to-date technology that would provide for faster and more cost-effective analysis. Training in new technologies to meet new requirements also is an ongoing need in law enforcement.

The president's DNA Initiative proposed more than \$1 billion in funding over five years to improve the use of DNA at federal, state and local levels. Although not yet fully funded, Department of Justice grants to states are helping to jumpstart processing of casework and convicted offender samples, as well as providing for training, research and development.

The federal Justice for All Act of 2004 expanded existing grant programs both in amount and scope. Authorization for grants was extended through 2009 at \$20 million per year. The law provides not just for DNA analysis but also other forensics including ballistics examination, latent prints and toxicology.

Money devoted to catch-up processing of backlogged evidence and samples can have quick and dramatic results, Morgan says. "An \$11,000 grant to Kansas City solved nine rapes and 22 homicides," he says.

QUALITY ASSURANCE

To qualify for funds, the Justice for All Act requires that states conduct independent external investigations into any allegations of negligence or misconduct at crime labs.

In response, Texas lawmakers last session created the Texas Forensic Science Commission, in the wake of allegations of serious problems in several police forensic labs, especially in Houston.

The DNA section of the Houston lab was closed two years ago when an audit revealed contaminated evidence, poor documenta-

tion of results, insufficient staffing and training. Thousands of potentially affected cases were reviewed, including some involving defendants sentenced to death. At least two wrongful convictions have been identified and individuals were released from prison when re-examination of their cases revealed mishandled evidence.

"The problems at the Houston crime lab

dence used in court be from a certified lab.

"This should significantly improve the science and quality of evidence in Texas courtrooms," Whitmire says.

THE CSI EFFECT

So remarkable is the impact of forensic DNA that art is imitating and influencing real-life criminal justice.



SENATOR
JOHN WHITMIRE
TEXAS

played a major role in passing this legislation," says Senator John Whitmire, a Houston lawyer and chair of the Senate Criminal Justice Committee. "There was a mounting number of cases, which made quality assurance a statewide concern. It was an alarming call to the Legislature to step in," he says.

The commission is charged with investigating any suspected misconduct or incompetence that results in flawed forensic science. The appointed members of the commission will identify sources of such problems, recommend corrective action and follow up to make sure any problems are resolved, says Whitmire.

The Texas legislation also expanded the collection of DNA samples to all prison inmates and provided updated rules for the Department of Public Safety's use of the DNA database. It also requires that forensic evi-

DNA has prompted a whole new genre of TV crime dramas in which complicated and old cases are quickly and easily solved with DNA analysis and other high-tech forensic science. This, in turn, is said to be affecting actual criminal cases, especially the juries that hear them.

Prosecutors, defenders and judges call it the "CSI effect," referring to the hit CBS television drama "CSI: Crime Scene Investigation." CSI and spin-off shows are influencing juries that increasingly expect forensic evidence to be available and infallible. Without it, convictions are harder to get.

A recent CSI episode had actor William Peterson as lead investigator Gil Grissom remarking, "Physical evidence doesn't lie. It's not influenced by prejudice or emotion."

This raising of the bar in what is expected of forensic science is a mixed blessing, says Asplen. "Obviously these shows push the envelope in terms of how we actually are able to use DNA and other forensic technology out in the field," he says.

"But from a policy standpoint, it means the general public, those serving on juries, recognize its great power and potential," Asplen says. "It's another reason that government should want to maximize its use." ■



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

**State Laws on DNA Data Banks
Qualifying Offenses, Others Who Must Provide Sample**

January 2007

All 50 states require that convicted sex offenders provide a DNA sample, and states are increasingly expanding these policies to include all felons or many serious felony offenders. To date, 44 states require that all convicted felons provide a DNA sample to the state's database.

Nine states to date include certain misdemeanors among those who must provide a DNA sample. Some are misdemeanors for which sex offender registration is required; others states specify certain sex offenses or child victim offenses.

Seven states, California, Kansas, Louisiana, Minnesota, New Mexico, Texas and Virginia, also now have laws authorizing arrestee sampling. The Texas law allows post-indictment samples of certain sex offenders. Minnesota's passed in 2005, similarly requires a DNA sample after probable cause determination in a charge of one of many serious felonies. California's Proposition 69, approved by voters on November 2, 2004, requires DNA samples of adults arrested for or charged with a felony sex offense, murder or voluntary manslaughter, or attempt of these crimes. Starting in 2009, the measure requires arrestee sampling be expanded to arrests for any felony offense. The same measure expanded DNA testing to all convicted felons. In 2006, Kansas added the requirement that felony or drug sentencing guidelines grid level 1 or 2 crime arrestees provide a DNA sample; and will expand in mid-2008 to all felony arrestees. New Mexico also enacted arrestee samples from specified violent felons in 2006.

DNA data bases in all states today are connected to the National DNA Index System, which is run by the Federal Bureau of Investigation for federal and state information sharing.

State	All Felonies	Some Juveniles	Some Misdemeanors	Some Arrestees	Not Guilty By Mental Defect Or GBMI	Other
Alabama	X					
Alaska	X	X				
Arizona	X	X				Includes residential and criminal burglary.
Arkansas	X	X (violent crimes only)	X Some sexual offenses		X	
California	X	X		X expansion to all felon arrestees starts in 2009		Includes those convicted of terrorist activity in violation of weapons of mass destruction provisions; and those convicted of a qualifying offense in another state.
Colorado	X	X				Includes any person who has a duty to register as a sex offender, including probationers, habitual offenders as condition of parole, and those released without parole supervision.



State	All Felonies	Some Juveniles	Some Misdemeanors	Some Arrestees	Not Guilty By Mental Defect Or GBMI	Other
Connecticut	X				X	Includes persons on probation or parole prior to discharge from supervision.
Delaware	X		X Certain child endangerment or abandonment crimes			
Florida	X	X			X	Includes persons on probation, parole, release or supervision following conviction of certain offenses.
Georgia	X	X				
Hawaii	X	X			X	Includes qualifying persons in prison, on probation or parole, parole violators.
Idaho		X				Most felons are included.
Illinois	X	X	X Any person required to register as a sex offender, includes some misdemeanors.			Includes people held under civil commitment under sexually dangerous those law, those found guilty but mentally ill for a sex offense, persons seeking transfer to state under interstate compact, stalking and residential burglary.
Indiana	X					Includes qualifying offenders on probation or parole.
Iowa	X	X	(May occur only by court or parole board order)		X	Includes qualifying parolees and offenders on work release, and offenders receiving a deferred judgment of felony.
Kansas	X	X		X felony or drug grid level 1 or 2; expands after June 30, 2008 to include all persons arrested for a felony.		Includes any crime covered under offender registration law, many serious felonies, some drug offenses.
Kentucky		X				Includes those convicted of unlawful transaction with a minor, promoting sexual performance of a minor, burglary I and II and class A and B felonies involving death or serious injury to the victim.
Louisiana	X	X		X Authorized to extent funding is available		
Maine	X	X	(May include a lesser included offense if a qualifying offense was originally charged.)			Includes all Class A, B, C serious crimes.
Maryland	X	X				Includes some misdemeanors.
Massachusetts	X	X				
Michigan	X	X				



State	All Felonies	Some Juveniles	Some Misdemeanors	Some Arrestees	Not Guilty By Mental Defect Or GBMI	Other
Minnesota	X	X	(May include offenses "arising out of same set of circumstances.")	X Specified serious crimes upon judicial finding of probable cause.		
Mississippi	X					
Missouri	X					
Montana	X	X				
Nebraska						
Nevada			X Failure to register as a convicted person.			Includes all class A or B felonies, or a category C felony that involved use or threatened use of force; also includes some drug offenses.
New Hampshire		X				Includes violent crimes.
New Jersey	X	X	X Any crime for which a sentence of imprisonment of 6 months or more is imposed.		X	
New Mexico	X	X			X Specific violent felonies	
New York	X		X Many misdemeanors.			Includes many serious felonies and some controlled substance offenses.
North Carolina	X				X	Includes persons on community supervision.
North Dakota	X					Many serious felonies, including burglary.
Ohio	X	X	X Certain child victim offenses.			
Oklahoma	X					2001 law requires planning to incrementally add qualifying felonies to the database, to include all felony offenses by 2006.
Oregon	X	X				
Pennsylvania		X				Includes violent and sexual offenders.
Rhode Island	X					
South Carolina	X	X	(May be required by court order for any offense.)			Includes qualifying offenders on community supervision.
South Dakota	X	X				
Tennessee	X	X				Includes those persons seeking transfer to the state under interstate compact who have committed qualifying offense.
Texas	X	X	(May be required by court order for any offense.)	X Post-indictment only in certain sex crimes.		Expanding to all felons contingent upon federal funds.



State	All Felonies	Some Juveniles	Some Misdemeanors	Some Arrestees	Not Guilty By Mental Defect Or GBMI	Other
Utah	X	X	X Class A misdemeanors. (Others may qualify if convicted on lower degree of qualifying offense.)		X	Includes persons convicted in another state of a qualifying offense.
Vermont	X		(Only if as part of a plea agreement.)			
Virginia	X	X		X Violent felonies, including attempts.		
Washington	X	X				Includes those who have been convicted out of state or under federal law of a violent offense.
West Virginia	X					
Wisconsin	X	X	X Some misdemeanors for which sex offender registration is required.		X	
Wyoming	X	X				

For more information, contact NCSL's Denver office, (303)-364-7700; cj-info@ncsl.org.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SB033-DOC-A&O-3-7-07
 Bill Version: SB 33
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title An Act relating to DNA samples from persons RDU Office of the Commissioner
 charged with felonies. Component Administration & Operations
 Sponsor Senator Bunde
 Requester Senate State Affairs Component No. 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Department of Corrections will not have a fiscal impact due to passage of this legislation.

Prepared by: Sharleen Griffin, Director Phone (907) 465-3339
 Division Administrative Services Date/Time 3/7/07 12:53 PM
 Approved by: Dwayne Peeples, Deputy Commissioner Date 3/7/2007
 Agency Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SB033-LAW-CJL-3-6-07
 Bill Version: SB 33
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to DNA samples from persons RDU Criminal
charged with felonies Component Criminal Justice Litigation
 Sponsor SENATOR(S) BUNDE
 Requester SENATE STATE AFFAIRS Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would amend current statute so as to allow The Department of Public Safety to collect for inclusion into the DNA registration system a blood sample, oral sample, or both, from a person charged in a criminal complaint, indictment, presentment, or information with a felony under AS 11.

The department does not anticipate any significant fiscal impact as a result of this legislation.

Prepared by: Robert Meiners, Acting Director Phone 465-5427
 Division: Administrative Services Division Date/Time 3/6/07 10:13 AM
 Approved by: Robert Meiners for Tails Colberg, Attorney General Date 3/6/2007
 Agency: Department of Law