

2 **HB 1757** - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED AS AMENDED (FLR 414) 4/16/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds it necessary to expand
8 the current pool of convicted offenders who must have a blood sample
9 drawn for purposes of DNA identification analysis. The legislature
10 further finds that there is a high rate of recidivism among certain
11 types of violent and sex offenders and that drawing blood is minimally
12 intrusive. Creating an expanded DNA data bank bears a rational
13 relationship to the public's interest in enabling law enforcement to
14 better identify convicted violent and sex offenders who are involved in
15 unsolved crimes, who escape to reoffend, and who reoffend after
16 release.

17 **Sec. 2.** RCW 43.43.754 and 1994 c 271 s 402 are each amended to
18 read as follows:

19 Every adult or juvenile individual convicted of a felony or
20 adjudicated guilty of an equivalent juvenile offense defined as a sex
21 offense under RCW 9.94A.030(~~((+31+))~~) (33)(a) or a violent offense as
22 defined in RCW 9.94A.030 shall have a blood sample drawn for purposes
23 of DNA identification analysis. For persons convicted of such offenses
24 or adjudicated guilty of an equivalent juvenile offense who are serving
25 or who are to serve a term of confinement in a county jail or detention
26 facility, the county shall be responsible for obtaining blood samples
27 ((prior to release from)) either as part of the intake process into the
28 county jail or detention facility for those persons convicted on or
29 after the effective date of this act, or within a reasonable time after
30 the effective date of this act for those persons incarcerated prior to
31 the effective date of this act who have not yet had a blood sample
32 drawn, beginning with those persons who will be released the soonest.
33 For persons convicted of such offenses or adjudicated guilty of an
34 equivalent juvenile offense, who are serving or who are to serve a term
35 of confinement in a department of corrections facility or a division of

1 juvenile rehabilitation facility, the facility holding the person shall
2 be responsible for obtaining blood samples (~~(prior to release from)~~)
3 either as part of the intake process into such facility for those
4 persons convicted on or after the effective date of this act, or within
5 a reasonable time after the effective date of this act for those
6 persons incarcerated prior to the effective date of this act who have
7 not yet had a blood sample drawn, beginning with those persons who will
8 be released the soonest. Any blood sample taken pursuant to RCW
9 43.43.752 through 43.43.758 shall be used solely for the purpose of
10 providing DNA or other blood grouping tests for identification analysis
11 and prosecution of a sex offense or a violent offense.

12 This section applies to all adults who are convicted after July 1,
13 1990; and to all adults who were convicted on or prior to July 1, 1990,
14 and who are still incarcerated on or after the effective date of this
15 act. This section applies to all juveniles who are adjudicated guilty
16 after July 1, 1994; and to all juveniles who were adjudicated guilty on
17 or prior to July 1, 1994, and who are still incarcerated on or after
18 the effective date of this act.

19 NEW SECTION. Sec. 201. A new section is added to chapter 70.02
20 RCW to read as follows:

21 Any health care provider, facility, or researcher who creates,
22 maintains, or discloses a copy or record of a person's individually
23 identifiable DNA information in violation of chapter 42.48 RCW, or RCW
24 7.70.065, 70.02.050, 71.05.630, or 74.42.040, or in violation of any
25 federal informed consent statute or rule has committed an unfair
26 business practice pursuant to the consumer protection act, chapter
27 19.86 RCW. Any person whose individually identified DNA information
28 was copied or recorded in violation of this section shall have a cause
29 of action under the consumer protection act.

30 NEW SECTION. Sec. 202. A new section is added to chapter 19.86
31 RCW to read as follows:

32 Any violation of section 3 of this act shall also constitute an
33 unfair business practice in violation of RCW 19.86.020.

34 NEW SECTION. Sec. 203. If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected."

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6 On page 1, line 1 of the title, after "identification;" strike the
7 remainder of the title and insert "amending RCW 43.43.754; adding a new
8 section to chapter 70.02 RCW; adding a new section to chapter 19.86
9 RCW; and creating a new section."

EFFECT: Removes all of Part II and replaces it with a penalty for disclosure of personal DNA identification information without informed consent.

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