

# HOUSE BILL ANALYSIS

## HB 1757

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**Title:** An act relating to DNA identification.

**Brief Description:** Expanding the number of inmates subject to mandatory DNA testing.

**Sponsors:** Representatives Miloscia, O'Brien, Koster, Lovick, Haigh, Hurst and Radcliff.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Dianne Ramerman (786-7172).

**Background:**

*The DNA Identification System.* In 1990, the Legislature provided that any adult convicted after July 1, 1990, of a felony sex or violent offense must have a blood sample drawn for purposes of deoxyribonucleic acid (DNA) identification analysis. In 1994, the Legislature extended the provision to juveniles adjudicated guilty of equivalent offenses after July 1, 1994. Thus, under current law, neither adults convicted on or prior to July 1, 1990, nor juveniles adjudicated guilty on or prior to July 1, 1994, are required to have blood samples drawn.

Blood samples taken from a convicted felon for the DNA Identification System must be used solely for the purposes of providing DNA or other blood grouping tests for identification analysis and prosecuting sex or violent offenses. DNA identification analysis results are kept in a convicted felon identification data bank maintained by the Washington State Patrol. Any data obtained from DNA identification procedures cannot be used for any research or other purpose that is not related to criminal investigation or to improving the operation of the system.

Under current law, samples must be drawn prior to release by the county jail or detention facility, or a Department of Corrections facility or a Juvenile Rehabilitation Administration facility.

*The Child Identification Program.* Currently, no statewide child identification program is available in Washington. However, the Florida House of Representatives is considering a similar bill during its 1999 session.

**Summary:**

*The DNA Identification System.* The following three changes are made to current law:

First, the statute is expanded to require that all adults convicted prior to, on, or after July 1, 1990, and all juveniles adjudicated guilty prior to, on, or after July 1, 1994, of an equivalent juvenile sex or violent offense have blood drawn for purposes of DNA identification analysis, if they are still incarcerated on or after the effective date of this act.

Second, adults and juveniles convicted of a felony sex or violent offense on or after the effective date of this act are required to have blood samples drawn as part of the intake process, rather than prior to release.

Third, adults and juveniles convicted of a felony sex or violent offense who are incarcerated prior to the effective date of this act and who have not yet had a blood sample drawn, are required to have blood samples drawn within a reasonable time after the effective date of this act, beginning with those individuals who will be released the soonest.

*The Child Identification Program.* A Child Identification Program is created. The program requires hospitals and birthing centers to notify potential parents that the hospital or birthing center is a participant in the program and, if requested, to provide a DNA sample for identification purposes to the parent for safekeeping. Parents are required to pay a fee that is to be determined by the hospital or birthing center. However, the fee cannot exceed the reasonable cost of obtaining the samples and necessary materials and is not subject to medicaid co-payment limitations. Finally, nothing in this program can be considered as a health service under the medicaid program.

Copies or records of DNA samples provided to the parent may not be maintained or created by any entity participating in the program.

All physicians who provide primary care to children born before the implementation of this act are encouraged to voluntarily participate and offer the child identification program to their patients. The Department of Health is encouraged to assist licensed physicians in learning about and participating in the program.

**Fiscal Note:** Requested on February 9, 1999.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

Office of Program Research