

# SENATE BILL REPORT

## HB 1757

---

As Reported By Senate Committee On:  
Human Services & Corrections, April 1, 1999

**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.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 3/23/99, 4/1/99 [DPA].

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long, Patterson, Sheahan, Stevens and Zarelli.

**Staff:** Fara Daun (786-7459)

**Background:** Current law requires that offenders convicted of sex offenses or violent offenses have a blood sample drawn for deoxyribonucleic acid (DNA) analysis and identification prior to release from a correctional facility. The statute applies to adults convicted after July 1, 1990, and juveniles convicted after July 1, 1994.

Washington does not currently have a DNA identification program for children.

**Summary of Amended Bill:** DNA identification of sex and violent offenders is expanded to include adults convicted prior to July 1, 1990, and juveniles convicted prior to July 1, 1994, who are in confinement on the effective date of the act.

Offenders subject to DNA identification who are in confinement on the effective date of the act must have their blood samples taken within a reasonable time after the act becomes effective, beginning with those offenders to be released first. DNA identification of offenders convicted after the act's effective date must be conducted as part of the intake process to the county jail.

Health care providers are prohibited from creating or maintaining any copy or record of any blood sample taken for the purpose of DNA identification. A health care provider's activity that results in disclosure of a record or copy of such a blood sample for a commercial purpose or in a commercial transaction violates the Consumer Protection Act. A person whose blood sample, or whose child's blood sample is copied or a record is maintained has a civil cause of action against the health care provider.

**Amended Bill Compared to Original Bill:** The Child Identification Program is stricken from the legislation. The prohibition on health care providers creating or maintaining copies or records of blood samples submitted for DNA identification purposes and the civil causes of action for violation of the prohibition are added.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The provisions related to offenders will help to clear unsolved crimes. The Child Identification Program will assist in the investigation of missing children's cases.

**Testimony Against:** The bill needs to be funded to be effectively implemented.

**Testified:** Rep. Mark Miloscia, sponsor (pro); Capt. Eric Robertson, Washington State Patrol (concerns).