

# FINAL BILL REPORT

## SHB 2468

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Synopsis as Enacted

**Brief Description:** Facilitating the convicted offender DNA data base.

**Sponsors:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Miloscia, O'Brien and Wood; by request of Governor Locke).

**House Committee on Criminal Justice & Corrections**

**House Committee on Appropriations**

**Senate Committee on Human Services & Corrections**

### **Background:**

The Washington State Patrol operates and maintains a DNA identification system. The system contains DNA information on: (1) All adults convicted of felony sex offenses and felony violent offenses after July 1, 1990; (2) all juveniles convicted of such offenses after July 1, 1994; and (3) all persons incarcerated for such offenses as of July 25, 1999.

The county is responsible for collecting blood samples from offenders who serve their terms of confinement in a county facility. The Department of Corrections and the Department of Social and Health Services (Juvenile Rehabilitation Administration) are responsible for collecting blood samples from offenders who serve their terms of confinement in their respective facilities.

Blood samples must be used only for providing DNA or other blood grouping tests for identification analysis and prosecuting sex or violent offenses. The DNA identification data cannot be used for any purpose other than criminal investigation or improving the operation of the system.

### **Summary:**

The class of persons from whom DNA samples are taken is expanded to include persons convicted of:

- any felony;
- stalking;
- harassment; or
- communicating with a minor for immoral purposes.

Samples must also be taken from persons convicted before the effective date of the act who are still incarcerated as of the effective date of the act. The method of collecting the

samples is no longer limited to drawing blood only.

A county or city is responsible for collecting samples from offenders who serve their terms of confinement in a county or city facility. The local police department or sheriff's office is responsible for collecting samples from individuals who do not serve any term of confinement.

The director of the Forensic Laboratory Services Bureau of the Washington State Patrol must perform the testing of the samples within available funding. Samples from persons convicted of felony sex offenses or felony violent offenses must be given priority. The samples may be retained by the bureau and may be submitted to the Federal Bureau of Investigation's combined DNA index system. The list of purposes for which the DNA information may be used is expanded to include the identification of human remains or missing persons.

The Washington State Patrol must consult with the Forensic Investigations Council when adopting rules to implement the DNA identification system. The rules must identify appropriate sources and collection methods for biological samples needed for purposes of DNA identification analysis.

No cause of action may be brought based on the non-collection of, non-analysis of, or delay in collecting the DNA samples. The detention, arrest, or conviction of a person based on the DNA identification system is not invalidated because the DNA sample was in the system by mistake, or the conviction pursuant to which the sample was collected was overturned or altered.

An offender convicted of a felony must be assessed a fee of \$100 for the collection of a DNA sample, unless the court finds that the fee would result in undue hardship on the offender. The fee is a legal financial obligation and is payable only after payment of all other legal financial obligations in the sentence.

The DNA Data Base Account is created in the custody of the State Treasurer. The fees collected from convicted felons for the collection of DNA samples must be deposited in the account. Expenditures from the account may only be used for the creation, operation, and maintenance of the DNA data base. Only the chief of the Washington State Patrol may authorize expenditures from the account.

**Votes on Final Passage:**

House 97 0  
Senate 44 0 (Senate amended)  
House 97 0 (House concurred)

**Effective:** July 1, 2002

