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HOUSE BILL 1335

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Miloscia and O'Brien

Read first time 01/24/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to the collection of DNA samples from convicted  
2 felons; amending RCW 43.43.754; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that the DNA  
5 identification system is becoming increasingly useful in the accurate  
6 investigation and prosecution of criminal offenses. The legislature  
7 further finds that the use of DNA identification deters recidivist  
8 acts, significantly aids in the exculpation of innocent persons, and  
9 allows for the accurate identification of prisoners for institutional  
10 purposes. Thus the legislature has determined that it is in the public  
11 interest to expand the DNA identification system to include all  
12 convicted felons.

13 **Sec. 2.** RCW 43.43.754 and 1999 c 329 s 2 are each amended to read  
14 as follows:

15 (1) Every adult or juvenile (~~individual~~) convicted of a felony  
16 (~~or adjudicated guilty of an equivalent juvenile offense defined as a~~  
17 ~~sex offense under RCW 9.94A.030(33)(a) or a violent offense as defined~~

1 in RCW 9.94A.030)) shall have a blood sample drawn for purposes of DNA  
2 identification analysis.

3 (a) For such persons (~~((convicted of such offenses or adjudicated~~  
4 ~~guilty of an equivalent juvenile offense))~~) who are serving or who are  
5 to serve a term of confinement in a county jail or detention facility,  
6 the county shall be responsible for obtaining the blood sample(~~(s)~~)  
7 either as part of the intake process into (~~(the county jail or~~  
8 ~~detention))~~ such facility (~~((for those persons convicted on or after~~  
9 ~~July 25, 1999,))~~) or (~~((within a reasonable time after July 25, 1999,))~~)  
10 for those persons incarcerated prior to (~~(July 25, 1999,))~~) the  
11 effective date of this act who have not yet had a blood sample drawn,  
12 within a reasonable time after the effective date of this act,  
13 beginning with those persons who will be released the soonest.

14 (b) For such persons (~~((convicted of such offenses or adjudicated~~  
15 ~~guilty of an equivalent juvenile offense,))~~) who are serving or who are  
16 to serve a term of confinement in a department of corrections facility  
17 or a (~~(division of))~~ juvenile rehabilitation administration facility,  
18 the facility holding the person shall be responsible for obtaining  
19 blood samples either as part of the intake process into such facility  
20 (~~((for those persons convicted on or after July 25, 1999, or within a~~  
21 ~~reasonable time after July 25, 1999))~~) or, for those persons  
22 incarcerated prior to (~~(July 25, 1999,))~~) the effective date of this act  
23 who have not yet had a blood sample drawn, within a reasonable time  
24 after the effective date of this act, beginning with those persons who  
25 will be released the soonest.

26 (c) For such persons who are not sentenced to a term of  
27 confinement, or who do not serve any portion of their term of  
28 confinement after sentencing, the blood sample shall be drawn prior to  
29 release by the court.

30 (2) Any blood sample taken pursuant to RCW 43.43.752 through  
31 43.43.758 shall be used solely for the purpose of providing DNA or  
32 other blood grouping tests for identification analysis and prosecution  
33 of (~~(a sex offense or a violent))~~ felony offenses.

34 (~~(This section applies to all adults who are convicted after July~~  
35 ~~1, 1990; and to all adults who were convicted on or prior to July 1,~~  
36 ~~1990, and who are still incarcerated on or after July 25, 1999. This~~  
37 ~~section applies to all juveniles who are adjudicated guilty after July~~  
38 ~~1, 1994; and to all juveniles who were adjudicated guilty on or prior~~

1 ~~to July 1, 1994, and who are still incarcerated on or after July 25,~~  
2 ~~1999.)~~)

3 (3) This section applies to all adults and juveniles who are:

4 (a) Convicted of any felony on or after the effective date of this  
5 act;

6 (b) Convicted of any felony before the effective date of this act,  
7 if such persons are still incarcerated on the effective date of this  
8 act;

9 (c) Convicted after July 1, 1990, of any sex offense or violent  
10 offense, as those terms are defined in RCW 9.94A.030; or

11 (d) Convicted on or before July 1, 1990, of any sex offense or  
12 violent offense, as those terms are defined in RCW 9.94A.030, if such  
13 persons were still incarcerated on July 25, 1999.

14 (4) For the purposes of this section, "convicted" means adjudicated  
15 guilty under Title 10 or 13 RCW and includes a verdict of guilty, a  
16 finding of guilty, and an acceptance of a plea of guilty.

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