

SENATE BILL REPORT

SHB 2486

As Reported by Senate Committee On:
Human Services & Corrections, February 25, 2010

Title: An act relating to costs for the collection of DNA samples.

Brief Description: Concerning costs for the collection of DNA samples.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Klippert, Rodne, Green, Kessler and Kelley).

Brief History: Passed House: 2/11/10, 97-0.

Committee Activity: Human Services & Corrections: 2/23/10, 2/25/10 [DP, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

Minority Report: That it be referred without recommendation.

Signed by Senator Kauffman.

Staff: Shani Bauer (786-7468)

Background: The Washington State Patrol (WSP) operates and maintains a DNA database to help with criminal investigations and to identify human remains or missing persons. County and city jails are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. The Department of Corrections and the Department of Social and Health Services are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. Local police and sheriff's departments are responsible for collecting biological samples for DNA analysis from offenders who do not serve any term of incarceration.

Biological samples must be collected from any person convicted of a felony, any person who is required to register as a sex or kidnapping offender, or any person convicted of a list of specified misdemeanors or gross misdemeanors.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person who is convicted of a crime under the Sentencing Reform Act (generally, a felony offense) and who is required to provide his or her DNA, must be court-ordered to pay a fee of \$100 for the cost of collecting and maintaining the DNA database. The fee is payable after all other legal financial obligations. Once collected, 80 percent of the fee is transmitted to the state DNA database account and 20 percent to the agency responsible for collecting the sample.

Summary of Bill: A person convicted of a misdemeanor or gross misdemeanor for which DNA collection is required must be ordered to pay a fee of \$100 for the cost of collecting and maintaining the DNA database. The fee is payable in the same manner as other assessments imposed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This is a request bill from the association. Courts of limited jurisdiction have found themselves in the position of requiring persons to provide a DNA sample without having to pay for it. This appears to be an oversight when gross misdemeanor and misdemeanor offenses were added to the statute. This bill would correct this oversight.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Sam Meyer, District and Municipal Court Judges Association.