
Public Safety Committee

HB 2341

Brief Description: Concerning DNA biological samples.

Sponsors: Representative Orwall.

Brief Summary of Bill

- Requires a biological sample to be collected from any person arrested for or charged with any offense if that person has previously been convicted of a violent offense.
- Requires offenders that are not taken into custody following sentencing to immediately report to the jail facility to provide a biological deoxyribonucleic acid (DNA) sample otherwise a warrant for his or her arrest may be issued for failing to provide a DNA sample.

Hearing Date: 1/12/16

Staff: Yvonne Walker (786-7841).

Background:

The Washington State Patrol (WSP) operates and maintains a deoxyribonucleic acid (DNA) identification system. The purposes of the system are to assist with criminal investigations and identify human remains and missing persons.

Offenders From Whom a Biological Sample Must be Collected.

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, and any person convicted of the following misdemeanors and gross misdemeanors:

- Assault in the fourth degree with Sexual Motivation;
- Communication with a Minor for Immoral Purposes;
- Custodial Sexual Misconduct in the second degree;
- Failure to Register as a sex or kidnapping offender;
- Harassment;

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- Patronizing a Prostitute;
- Sexual Misconduct with a Minor in the second degree;
- Stalking; and
- violation of a Sexual Assault protection order.

If a DNA sample already exists from the offender in question, another biological sample does not have to be collected.

Testing Biological Samples.

The Forensic Laboratory Services Bureau of the WSP is responsible for testing biological samples for inclusion in the DNA database. The Director of the Forensic Laboratory Services Bureau (Director) must give priority to testing samples from persons convicted of sex and violent offenses. Duplicate biological samples may be excluded from testing, unless the Director deems testing necessary or advisable.

Collection of DNA.

County and city jails are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. The Department of Corrections (DOC) and the Department of Social and Health Services (DSHS) are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. Local police and sheriff departments are responsible for collecting biological samples for DNA analysis from offenders who do not serve any term of incarceration.

Summary of Bill:

A biological sample must be collected from any person arrested for or charged with any offense if that person has previously been convicted of a violent offense.

Immediately after sentencing, county and city jails are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. If an offender is not taken into custody, the person must be ordered by the court to immediately report to the jail facility to provide a biological DNA sample. The offender must be warned that the court may issue a warrant for his or her arrest if the person fails to provide the DNA sample.

The DOC and the DSHS are responsible for collecting biological samples from offenders incarcerated in their facilities as part of the intake process.

Other technical corrections and clarifications are made in the act to clarify who must provide a biological sample for DNA analysis.

Appropriation: None.

Fiscal Note: Requested on January 7, 2016.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.