

SENATE BILL REPORT

SB 5240

As Reported by Senate Committee On:
Law & Justice, February 18, 2015

Title: An act relating to collection of DNA samples from persons acquitted by reason of insanity.

Brief Description: Collecting DNA samples from persons acquitted by reason of insanity.

Sponsors: Senators Darneille, O'Ban, Mullet, Pearson and Fraser.

Brief History:

Committee Activity: Law & Justice: 1/27/15, 2/18/15 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Lindsay Erickson (786-7465)

Background: The Washington State Patrol (WSP) operates and maintains a deoxyribonucleic acid (DNA) identification database. The purpose of the system is to aid in criminal investigations and to identify human remains or missing persons. The Forensic Laboratory Services Bureau of WSP is responsible for testing biological samples for inclusion in the DNA database.

A biological sample must be collected from any person who has been convicted of a felony, any person who is required to register as a sex or kidnapping offender, or any person convicted of any of the following crimes or equivalent juvenile offenses:

- 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;
- patronizing a prostitute;
- sexual misconduct with a minor in the second degree;
- stalking; and

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.

- violation of a sexual assault protection order.

A person is criminally insane when the person has been acquitted of a crime by reason of insanity by a court or jury and committed to a state hospital on the basis of danger to other persons or substantial likelihood of committing criminal acts jeopardizing public safety or security. Persons who are committed for inpatient treatment as criminally insane in Washington are confined for treatment in a state hospital administered by the Department of Social and Health Services (DSHS).

Summary of Bill: A biological sample must be collected for purposes of DNA identification analysis from every adult or juvenile individual acquitted by reason of insanity of a felony or any of the following crimes or juvenile offenses:

- 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;
- patronizing a prostitute;
- sexual misconduct with a minor in the second degree;
- stalking; and
- violation of a sexual assault protection order.

If the person acquitted by reason of insanity is serving or will serve a term of confinement in a Department of Corrections facility or a DSHS facility, the facility holding the person must obtain a biological sample for that person.

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: Great strides have not been made in the last 20 years to reduce crimes against women and children, and collecting additional biological samples for DNA identification can help with this problem. Currently there are 220 individuals who are not guilty by reason of insanity in our state hospitals. These individuals have been charged with crimes such as murder, assault, robbery, and arson, and they have extensive histories of prior offenses with the same seriousness level. Taking DNA from these individuals will be helpful to solve crimes and close cases.

Persons Testifying: PRO: Senator Darneille, prime sponsor; James McMahan, WA Assn. of Sheriffs and Police Chiefs; Melissa VanGorkom, WSP; Jean Johnston, Combined DNA Index System Manager, Crime Lab Division.