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SENATE BILL 5253

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State of Washington

64th Legislature

2015 Regular Session

By Senators Darneille and Fraser

Read first time 01/16/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to preservation of DNA work product; and adding a  
2 new chapter to Title 5 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) In any felony case involving a violent  
5 or sex offense as defined in RCW 9.94A.030, a governmental entity  
6 shall preserve any DNA work product that has been secured in  
7 connection with the criminal case. The DNA work product must be  
8 maintained throughout the length of the sentence, including any  
9 period of community custody extending through final discharge, or  
10 throughout the period of the statute of limitations pursuant to RCW  
11 9A.04.080, whichever comes later.

12 (2) For purposes of this section:

13 (a) "DNA work product":

14 (i) Means any material catalogued on a microscope slide, swab, in  
15 a test tube, cutting, DNA extract, or another, similar retention  
16 method used to isolate potential biological evidence that has been  
17 collected by law enforcement as part of an investigation and prepared  
18 for scientific analysis, whether or not it is submitted for  
19 scientific analysis, including any product generated during the  
20 process of scientific analysis of such material, and derived from:

21 (A) The contents of a sexual assault examination kit;

1 (B) Blood;  
2 (C) Semen;  
3 (D) Hair;  
4 (E) Saliva;  
5 (F) Skin tissue;  
6 (G) Fingerprints;  
7 (H) Bones;  
8 (I) Teeth; or  
9 (J) Any other identifiable human biological material or physical  
10 evidence; and

11 (ii) Only includes products submitted by the investigating  
12 general law enforcement agency and does not include any products  
13 generated by a crime laboratory during the process of scientific  
14 analysis of such material.

15 (b) "Governmental entity" means any general law enforcement  
16 agency or any person or organization officially acting on behalf of  
17 the state or any political subdivision of the state involved in the  
18 collection, examination, tracking, packaging, storing, or disposition  
19 of biological material collected in connection with a criminal  
20 investigation relating to a felony offense.

21 (3) If a court finds that DNA work product was destroyed  
22 intentionally to violate this section, the court may impose  
23 appropriate sanctions. The court may not order the reversal of a  
24 conviction under this section on the sole grounds that the DNA work  
25 product is no longer available.

26 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new  
27 chapter in Title 5 RCW.

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