
**Public Safety & Emergency Preparedness
Committee**

HB 1153

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

Sponsors: Representatives Ladenburg, Walsh, Hurst, Goodman, Kagi, Rodne and Jinkins.

Brief Summary of Bill

- Expands the fee for collection of a biological sample for deoxyribonucleic acid (DNA) identification to misdemeanors and gross misdemeanors that require collection of a DNA sample.

Hearing Date: 1/25/11

Staff: Alexa Silver (786-7190).

Background:

The Washington State Patrol 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. Unless a sample has already been 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;
- Patronizing a Prostitute;
- Harassment;
- Stalking;
- Sexual Misconduct with a Minor in the second degree; 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.

When a sentence is imposed under the Sentencing Reform Act for a felony offense, a court must levy a \$100 fee for any crime that requires collection of a DNA sample. The fee constitutes a legal financial obligation payable after all other legal financial obligations included in the sentence have been satisfied. A "legal financial obligation" is money ordered by the superior court for obligations including victim restitution, crime victims' compensation, court costs, costs of defense, fines, and any other financial obligation assessed as a result of a felony conviction.

Eighty percent of the fee is deposited in the state DNA Database Account, and 20 percent is transmitted to the agency responsible for collection of the biological sample from the offender. Jails, the Department of Corrections, and the Department of Social and Health Services collect samples from offenders incarcerated in their respective facilities. Police and sheriff's departments collect samples from offenders who do not serve a term of incarceration.

Summary of Bill:

Sentences imposed for crimes that by law require collection of a DNA sample must include a \$100 fee. Thus the fee must be included in sentences not only for felonies, but also the specified gross misdemeanors and misdemeanors.

When the DNA sample collection fee is imposed as a consequence of a felony conviction, it is payable after all other legal financial obligations have been paid. When the fee is imposed as a consequence of a misdemeanor or gross misdemeanor conviction, it is payable in the same manner as other assessments.

Appropriation: None.

Fiscal Note: Available.

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