

2 **HB 1757** - S COMM AMD
3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

7

"PART I

8

THE DNA IDENTIFICATION SYSTEM

9 NEW SECTION. **Sec. 101.** The legislature finds it necessary to
10 expand the current pool of convicted offenders who must have a blood
11 sample drawn for purposes of DNA identification analysis. The
12 legislature further finds that there is a high rate of recidivism among
13 certain types of violent and sex offenders and that drawing blood is
14 minimally intrusive. Creating an expanded DNA data bank bears a
15 rational relationship to the public's interest in enabling law
16 enforcement to better identify convicted violent and sex offenders who
17 are involved in unsolved crimes, who escape to reoffend, and who
18 reoffend after release.

19 **Sec. 102.** RCW 43.43.754 and 1994 c 271 s 402 are each amended to
20 read as follows:

21 Every adult or juvenile individual convicted of a felony or
22 adjudicated guilty of an equivalent juvenile offense defined as a sex
23 offense under RCW 9.94A.030(~~((31))~~) (33)(a) or a violent offense as
24 defined in RCW 9.94A.030 shall have a blood sample drawn for purposes
25 of DNA identification analysis. For persons convicted of such offenses
26 or adjudicated guilty of an equivalent juvenile offense who are serving
27 or who are to serve a term of confinement in a county jail or detention
28 facility, the county shall be responsible for obtaining blood samples
29 ((prior to release from)) either as part of the intake process into the
30 county jail or detention facility for those persons convicted on or
31 after the effective date of this act, or within a reasonable time after
32 the effective date of this act for those persons incarcerated prior to
33 the effective date of this act who have not yet had a blood sample
34 drawn, beginning with those persons who will be released the soonest.

1 For persons convicted of such offenses or adjudicated guilty of an
2 equivalent juvenile offense, who are serving or who are to serve a term
3 of confinement in a department of corrections facility or a division of
4 juvenile rehabilitation facility, the facility holding the person shall
5 be responsible for obtaining blood samples (~~(prior to release from)~~)
6 either as part of the intake process into such facility for those
7 persons convicted on or after the effective date of this act, or within
8 a reasonable time after the effective date of this act for those
9 persons incarcerated prior to the effective date of this act who have
10 not yet had a blood sample drawn, beginning with those persons who will
11 be released the soonest. Any blood sample taken pursuant to RCW
12 43.43.752 through 43.43.758 shall be used solely for the purpose of
13 providing DNA or other blood grouping tests for identification analysis
14 and prosecution of a sex offense or a violent offense.

15 This section applies to all adults who are convicted after July 1,
16 1990; and to all adults who were convicted on or prior to July 1, 1990,
17 and who are still incarcerated on or after the effective date of this
18 act. This section applies to all juveniles who are adjudicated guilty
19 after July 1, 1994; and to all juveniles who were adjudicated guilty on
20 or prior to July 1, 1994, and who are still incarcerated on or after
21 the effective date of this act.

22 **PART II**

23 NEW SECTION. **Sec. 201.** No health care provider, including
24 hospitals, birthing centers, or physicians, may create or maintain any
25 record or copy of any blood sample taken for the purposes of DNA
26 identification.

27 NEW SECTION. **Sec. 202.** (1) Any person shall have a cause of
28 action against any health care provider who violates section 201 of
29 this act with regard to that person's blood sample, or to that of his
30 or her child's blood sample.

31 (2) Any person shall have a cause of action under the consumer
32 protection act, chapter 19.86 RCW, against any health care provider if
33 the health care provider engages in activity that results in a
34 disclosure of a copy or record of that person's blood sample or his or
35 her child's blood sample for commercial purposes or in a commercial
36 transaction.

1 (3) This section shall only apply to blood samples taken for DNA
2 identification purposes and not to blood samples taken for diagnostic,
3 treatment, or any other legally authorized purposes.

4 NEW SECTION. **Sec. 203.** A violation of section 201 of this act
5 that results in a disclosure for commercial purposes or in a commercial
6 transaction shall also constitute a violation under RCW 19.86.020.

7 NEW SECTION. **Sec. 204.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 205.** Part headings used in this act are not any
12 part of the law.

13 NEW SECTION. **Sec. 206.** Sections 201 through 203 of this act
14 constitute a new chapter in Title 70 RCW."

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18 On page 1, line 1 of the title, after "identification;" strike the
19 remainder of the title and insert "amending RCW 43.43.754; adding a new
20 chapter to Title 70 RCW; and creating new sections."

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