

SENATE BILL REPORT

SB 6340

As of January 20, 2000

Title: An act relating to civil actions for improperly obtaining or conveying a person's deoxyribonucleic acid.

Brief Description: Creating a civil action for improperly obtaining a person's deoxyribonucleic acid.

Sponsors: Senators Franklin and Stevens.

Brief History:

Committee Activity: Human Services & Corrections: 1/25/2000.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Joan K. Mell (786-7447)

Background: DNA means deoxyribonucleic acid, a component of human body cells. Analysis of DNA produces a sequence of chemical base pairs (**A** = adenylic acid, **T** = thymidylic acid, **C** = cytidylic acid, and **G** = guanylic acid), which is unique to the individual.

Researchers, scientists, criminal experts, and businesses value interpretation of the unique sequences. The federal government is competing with private researchers to map the entire human genome. The federally supported effort is called the Human Genome Project; a segment of that project operates out of the University of Washington.

In the 1999 session, the Legislature enacted House Concurrent Resolution 4412, which resulted in an interim committee on DNA Identification. The resolution directed House and Senate members to study the policy implications relative to scientific advances that are making DNA useful. The resolution required consideration of privacy concerns given the wealth of individual information available from DNA.

Privacy laws do not specifically identify DNA as private information, and the laws do not provide for a simple cause of action in the event a person's privacy is violated from unauthorized use of DNA. Aggrieved individuals may not have any relief if their DNA is used improperly.

Summary of Bill: A person could bring a civil cause of action against any person or entity that obtains or conveys his or her DNA that is individually identifiable without express authorization or pursuant to other specific legal authority. Attorney's fees and costs are awarded to a person who proves his or her case.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.