
SENATE BILL 6310

State of Washington

63rd Legislature

2014 Regular Session

By Senators Darneille, Kline, Kohl-Welles, Frockt, McCoy, Cleveland, McAuliffe, Fraser, Keiser, and Pedersen

Read first time 01/20/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to the retention of biological material collected
2 during criminal investigations; adding a new section to chapter 10.73
3 RCW; creating a new section; providing an effective date; and providing
4 expiration dates.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.73 RCW
7 to read as follows:

8 (1) It is prohibited for a governmental entity to destroy
9 biological material collected or work product generated by law
10 enforcement, during or in connection with a criminal investigation or
11 case relating to a felony offense. The governmental entity in
12 possession of the biological material has discretion to determine how
13 the biological material or work product is retained pursuant to this
14 section, provided that the biological material or work product
15 collected by law enforcement is retained in a condition suitable for
16 deoxyribonucleic acid testing.

17 (2) For purposes of this section:

18 (a) "Biological material" means the contents of a sexual assault
19 examination kit or any blood, semen, hair, saliva, skin tissue,

1 fingerprints, or any other identifiable human biological material or
2 physical evidence that may reasonably be used to incriminate or
3 exculpate any person in a felony criminal investigation, whether that
4 material is catalogued separately on a slide or swab, in a test tube,
5 or some other similar method, or is present on any item of evidence,
6 including those that are alleged to have been touched or worn by the
7 perpetrator of the felony offense; and

8 (b) "Governmental entity" means any general law enforcement agency
9 or any person or organization acting on behalf of the state or any
10 political subdivision of the state, involved in the collection,
11 examination, tracking, packaging, storing, or disposition of biological
12 material collected in connection with a criminal investigation relating
13 to a felony offense.

14 (3) Nothing in this section precludes an evidence technician or
15 other person trained in handling biological material and acting on
16 behalf of a governmental entity from documenting the location of
17 biological material and then removing representative samples from large
18 items of evidence and retaining only the parts containing biological
19 material.

20 (4) This section expires January 1, 2016.

21 NEW SECTION. **Sec. 2.** (1) A work group on preservation of evidence
22 for criminal justice purposes is established to study and make
23 recommendations relating to establishing statewide standards for
24 preserving biological material in felony cases in Washington state.

25 (2) The work group shall consist of the following members:

26 (a) One member from each of the two largest caucuses of the senate,
27 appointed by the president of the senate;

28 (b) One member from each of the two largest caucuses of the house
29 of representatives, appointed by the speaker of the house of
30 representatives;

31 (c) The chief of the Washington state patrol or the chief's
32 designee;

33 (d) The executive director of the Washington association of
34 sheriffs and police chiefs or the executive director's designee;

35 (e) One member representing the superior court judges' association;

36 (f) One member representing the district and municipal court
37 judges' association;

- 1 (g) One member representing the Washington state association of
2 counties;
- 3 (h) One member representing the Washington association of
4 prosecuting attorneys;
- 5 (i) One member representing the Washington defender's association
6 or the Washington association of criminal defense lawyers;
- 7 (j) One member representing the Washington state association of
8 cities; and
- 9 (k) One member representing the Washington association of county
10 officials;
- 11 (l) One member representing the Washington state forensic
12 investigations council; and
- 13 (m) Two members, appointed by the governor, who represent the
14 community from the innocence network in Washington state.
- 15 (3) Members of the work group shall select a chair.
- 16 (4) At a minimum, the work group shall research, review, and make
17 recommendations on whether to:
 - 18 (a) Preserve all items of biological material relating to felony
19 offenses;
 - 20 (b) Ensure biological material is not lost, destroyed, or
21 contaminated;
 - 22 (c) Determine consistent specified time periods that biological
23 material be retained and secured in connection with a felony criminal
24 investigation;
 - 25 (d) Develop a model policy for the collection, tracking, packaging,
26 storing, and disposition of biological material, including the length
27 of time biological material should be retained by a governmental
28 entity; and
 - 29 (e) Develop a statewide policy that provides clear direction for
30 the disposal of recovered property from misdemeanor criminal
31 investigations when storage of evidence is an issue for felony criminal
32 investigations.
- 33 (5) The work group shall compile its findings and recommendations
34 for the retention and disposition of biological material into a final
35 report and provide its report to the appropriate committees of the
36 legislature and governor by December 1, 2014.
- 37 (6) The work group shall function within existing resources and no

1 specific budget may be provided to complete the report. The
2 participants are encouraged to donate their time to offset any costs.

3 (7) This section expires January 1, 2015.

4 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect July 1,
5 2014.

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