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**SENATE BILL 5253**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Darneille and Fraser

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

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

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

(2) For purposes of this section:

(a) "DNA work product":

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

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

(B) Blood;

(C) Semen;

(D) Hair;

(E) Saliva;

(F) Skin tissue;

(G) Fingerprints;

(H) Bones;

(I) Teeth; or

(J) Any other identifiable human biological material or physical evidence; and

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

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

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

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

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