

ENGROSSED HOUSE AMENDMENTS

TO

ENGROSSED SENATE BILL NO. 386

BY: WILKERSON of the SENATE

and

DUNEGAN of the HOUSE

(CRIMINAL PROCEDURE, STATE GOVERNMENT AND MOTOR

VEHICLES - CREATING THE DEOXYRIBONUCLEIC ACID

(DNA) LABORATORY - AMENDING 74 O.S., SECTION

150.2 -

EMERGENCY)

AUTHORS: Add the following House Coauthors: WEESE, JOHNSON (Rob),
HENSHAW, HOLT and WORTHEN

AMENDMENT NO. 1. Page 1, line 17, strike the enacting clause

AMENDMENT NO. 2. Page 1, Section 1, line 21, after the word "this"
and before the word "act" insert

"section, Section 150.2 of Title 74 of the Oklahoma Statutes, and
Sections 3 through 5 of this"

AMENDMENT NO. 3. Page 2, Section 1, line 3, after the word
"witness." insert a new sentence to read

"Provided, however, failure to make such demand does not waive any
of the rights of the defendant nor relieve the prosecution of its
burden of proof."

AMENDMENT NO. 4. Page 3, line 36 1/2, insert new sections 6 through
8 to read

"SECTION 6. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 588 of Title 57, unless there is
created a duplication in numbering, reads as follows:

Sections 6 through 8 of this act shall be known and may be cited as the "DNA Profiling Act".

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 589 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Any person who is convicted of or who pleads guilty to or receives a suspended or deferred sentence for a crime or attempt to commit a crime provided for in Sections 885, 888, 1021.3, 1087, 1088, 1114 or 1123 of Title 21 of the Oklahoma Statutes shall submit to deoxyribonucleic acid (DNA) testing for law enforcement identification purposes.

B. Persons who are convicted or who plead guilty or who have received a suspended or deferred sentence after September 1, 1991, for any of the crimes listed in subsection A of this section shall submit to deoxyribonucleic acid testing within thirty (30) days of such conviction or plea of guilty or receipt of the suspended or deferred sentence. Persons who were convicted or plead guilty or received a suspended or deferred sentence prior to September 1, 1991, and are in the custody or have been returned to the custody of the Department of Corrections for an offense specified in subsection A of this section shall submit to deoxyribonucleic acid testing prior to and as a condition of eligibility for probation or parole.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 590 of Title 57, unless there is created a duplication in numbering, reads as follows:

Reports from tests performed pursuant to Section 7 of this act shall be maintained by the Department of Corrections and shall be maintained and released in accordance with the procedures established in subsection C of Section 584 of Title 57 of the Oklahoma Statutes for sex offenders registration pursuant to the Sex Offenders Registration Act."

and renumber subsequent section

and when title is restored, amend accordingly
Passed the House of Representatives the 11th day of April, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate