

1 ENGROSSED SENATE
2 BILL NO. 2041

By: Nichols and Coffee of the
Senate

3 and

4 Terrill of the House

5
6
7 [criminal procedure - OSBI Combined DNA Index System
8 (CODIS) Database -
9 emergency]

10

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.27a, as
13 last amended by Section 5, Chapter 441, O.S.L. 2006 (74 O.S. Supp.
14 2007, Section 150.27a), is amended to read as follows:

15 Section 150.27a A. There is hereby established within the
16 Oklahoma State Bureau of Investigation the OSBI Combined DNA Index
17 System (CODIS) Database for the purpose of collecting and storing
18 blood or saliva samples and DNA profiles, analyzing and typing of
19 the genetic markers contained in or derived from DNA, and
20 maintaining the records and samples of DNA of individuals convicted
21 of any felony offense, and of individuals required to register
22 pursuant to the Sex Offenders Registration Act. The purpose of this
23 database is the detection or exclusion of individuals who are
24 subjects of the investigation or prosecution of sex-related crimes,

1 violent crimes, or other crimes in which biological evidence is
2 recovered, and such information shall be used for no other purpose.

3 B. Any DNA specimen taken in good faith by the Department of
4 Corrections, its employees or contractors, or the county sheriff,
5 its employees or contractors, and submitted to the OSBI may be
6 included, maintained, and kept by the OSBI in a database for
7 criminal investigative purposes despite the specimen having not been
8 taken in strict compliance with the provisions of this section or
9 Section 991a of Title 22 of the Oklahoma Statutes.

10 C. Upon the request to OSBI by the federal or state authority
11 having custody of the person, any individual who was convicted of
12 violating laws of another state or the federal government, but is
13 currently incarcerated or residing in Oklahoma, shall submit to DNA
14 profiling for entry of the data into the OSBI DNA Offender Database.
15 This provision shall only apply when such federal or state
16 conviction carries a requirement of sex offender registration and/or
17 DNA profiling. The person to be profiled shall pay a fee of One
18 Hundred Fifty Dollars (\$150.00) to the OSBI.

19 D. The OSBI Combined DNA Index System (CODIS) Database is
20 specifically exempt from any statute requiring disclosure of
21 information to the public. The information contained in the
22 database is privileged from discovery and inadmissible as evidence
23 in any civil court proceeding. The information in the database is
24 confidential and shall not be released to the public. Any person

1 charged with the custody and dissemination of information from the
2 database shall not divulge or disclose any such information except
3 to federal, state, county or municipal law enforcement or criminal
4 justice agencies. Any person violating the provisions of this
5 section upon conviction shall be deemed guilty of a misdemeanor
6 punishable by imprisonment in the county jail for not more than one
7 (1) year.

8 E. The OSBI shall promulgate rules concerning the collection,
9 storing, expungement and dissemination of information and samples
10 for the OSBI Combined DNA Index System (CODIS) Database. The OSBI
11 shall determine the type of equipment, collection procedures, and
12 reporting documentation to be used by the Department of Corrections
13 or a county sheriff's office in submitting DNA samples to the OSBI
14 in accordance with Section 991a of Title 22 of the Oklahoma
15 Statutes. The OSBI shall provide training to designated employees
16 of the Department of Corrections and a county sheriff's office in
17 the proper methods of performing the duties required by this
18 section.

19 F. The OSBI Combined DNA Index System (CODIS) Database may
20 include secondary databases and indexes including, but not limited
21 to:

22 1. Forensic index database consisting of unknown evidence
23 samples;

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1 2. Suspect index database consisting of samples taken from
2 individuals as a result of criminal investigations;

3 3. Convicted offender index database authorized pursuant to
4 subsection A of this section; and

5 4. Missing persons and unidentified remains index or database
6 consisting of DNA profiles from unidentified remains and relatives
7 of missing persons.

8 G. Any person convicted of an a felony offense ~~provided in this~~
9 ~~section~~ who is in custody after ~~July 1, 1996,~~ shall provide a blood
10 or saliva sample prior to release. Every person who is convicted of
11 an a felony offense ~~provided in this section~~ whose sentence does not
12 include a term of incarceration shall provide a blood or ~~salvia~~
13 saliva sample as a condition of sentence.

14 SECTION 2. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

