

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB2041  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the printed Bill  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: \_\_\_\_\_

Amendment submitted by: Randy Terrill  
\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 2041

6 By: Nichols and Coffee of the  
7 Senate

8 and

9 Terrill of the House

10 FLOOR SUBSTITUTE

11 An Act relating to criminal procedure; creating  
12 Julie's Law; requiring certain persons submit to  
13 deoxyribonucleic acid (DNA) testing; stating persons  
14 responsible for collecting samples; requiring  
15 collectors of DNA samples be properly trained;  
16 providing immunity from civil liability; requiring  
17 collectors to mail DNA sample to the Oklahoma State  
18 Bureau of Investigation within certain time period;  
19 requiring collectors to use certain sample kits;  
20 amending 74 O.S. 2001, Section 150.27a, as last  
21 amended by Section 5, Chapter 441, O.S.L. 2005 (74  
22 O.S. Supp. 2007, Section 150.27a), which relates to  
23 the Oklahoma State Bureau of Investigation DNA  
24 Offender Database; modifying scope of DNA database  
collection requirements; deleting certain DNA  
specimen submission and maintenance provision;  
requiring DNA samples be taken by certain persons;  
providing immunity from civil liability; directing  
agencies to mail DNA samples within certain number of  
days; directing use of certain kits and procedures;  
providing enumerated list of persons required to  
submit a DNA sample; clarifying DNA collection  
guidelines; requiring payment of DNA testing fee;  
deleting certain DNA collection guidelines; allowing  
inclusion of DNA specimens under certain  
circumstances; providing for codification; providing  
for noncodification; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be  
3 codified in the Oklahoma Statutes reads as follows:

4 Sections 2 and 3 of this act shall be known and may be cited as  
5 "Julie's Law".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 241 of Title 22, unless there is  
8 created a duplication in numbering, reads as follows:

9 A. Subject to the availability of funds, any person who is  
10 arrested for a felony but is found guilty of a misdemeanor offense  
11 within this state shall submit to deoxyribonucleic acid (DNA)  
12 testing for law enforcement identification purposes in accordance  
13 with Section 150.27a of Title 74 of the Oklahoma Statutes and the  
14 rules promulgated by the Oklahoma State Bureau of Investigation for  
15 the OSBI Combined DNA Index System (CODIS) Database.

16 B. Samples of blood or saliva for DNA testing required by  
17 subsection A of this section shall be taken by employees or  
18 contractors of federal, state, county or municipal law enforcement  
19 or criminal justice agencies. The individuals shall be properly  
20 trained to collect blood or saliva samples. The person or persons  
21 collecting blood or saliva for DNA testing pursuant to this section  
22 shall be immune from civil liabilities arising from this activity.  
23 All collectors of DNA samples shall ensure the collection of samples  
24 is mailed to the Oklahoma State Bureau of Investigation within ten

1 (10) days from the date the sample is taken from the person. All  
2 collectors of DNA samples shall use sample kits provided by the OSBI  
3 and procedures promulgated by the OSBI.

4 SECTION 3. AMENDATORY 74 O.S. 2001, Section 150.27a, as  
5 last amended by Section 5, Chapter 441, O.S.L. 2005 (74 O.S. Supp.  
6 2007, Section 150.27a), is amended to read as follows:

7 Section 150.27a A. There is hereby established within the  
8 Oklahoma State Bureau of Investigation the OSBI Combined DNA Index  
9 System (CODIS) Database for the purpose of collecting and storing  
10 blood or saliva samples and DNA profiles, analyzing and typing of  
11 the genetic markers contained in or derived from DNA, and  
12 maintaining the records and samples of DNA of all individuals  
13 ~~convicted of any felony offense, and of individuals required to~~  
14 ~~register pursuant to the Sex Offenders Registration Act~~ mentioned in  
15 this section. The purpose of this database is ~~the detection or~~  
16 ~~exclusion to maintain a DNA record~~ of individuals ~~who are subjects~~  
17 ~~of the investigation or prosecution of sex-related crimes, violent~~  
18 ~~crimes, or other~~ listed in this section, to provide investigative  
19 leads to law enforcement officials regarding potential DNA matches  
20 to crimes or to identify human remains in which biological evidence  
21 is recovered, and such information shall be used for no other  
22 purpose.

23 B. ~~Any DNA specimen taken in good faith by the Department of~~  
24 ~~Corrections, its employees or contractors, and submitted to the OSBI~~

1 ~~may be included, maintained, and kept by the OSBI in a database for~~  
2 ~~criminal investigative purposes despite the specimen having not been~~  
3 ~~taken in strict compliance with the provisions of this section or~~  
4 ~~Section 991a of Title 22 of the Oklahoma Statutes.~~

5 ~~C. Upon the request to OSBI by the federal or state authority~~  
6 ~~having custody of the DNA samples shall be taken by employees or~~  
7 ~~contractors of federal, state, county or municipal law enforcement~~  
8 ~~or criminal justice agencies. Persons collecting blood or saliva~~  
9 ~~for DNA testing pursuant to this section shall be immune from civil~~  
10 ~~liabilities arising from this activity. The collecting agency shall~~  
11 ~~ensure the DNA samples are mailed to the Oklahoma State Bureau of~~  
12 ~~Investigation within ten (10) days of the time the sample is~~  
13 ~~collected. The collecting agency shall use sample kits provided by~~  
14 ~~the OSBI and pursuant to procedures promulgated by the OSBI.~~

15 1. Subject to the availability of funds, any person who is  
16 arrested for a felony but is found guilty of a misdemeanor offense  
17 shall provide a DNA sample for law enforcement investigative  
18 purposes.

19 2. Any person convicted of a felony offense after January 1,  
20 2006, whose sentence includes a term of incarceration shall provide  
21 a DNA sample upon entering the detention facility.

22 3. Any person convicted of a felony offense after January 1,  
23 2006, whose sentence does not include a term of incarceration shall  
24 provide a DNA sample within thirty (30) days of sentencing to the

1 Department of Corrections, the sheriff of the county in which the  
2 person was sentenced, or other peace officer as directed by the  
3 court.

4 4. Any person convicted of a felony offense who is incarcerated  
5 in the custody of the Department of Corrections after July 1, 1996,  
6 shall provide a DNA sample prior to release.

7 5. Any person required to register pursuant to the Sex  
8 Offenders Registration Act shall provide a DNA sample to the sheriff  
9 of the county in which the person was sentenced or other peace  
10 officer as directed by the court.

11 6. Any person, ~~any individual~~ who was convicted of violating  
12 laws of another state or the federal government, but is currently  
13 incarcerated or residing in Oklahoma, shall ~~submit to~~ provide a DNA  
14 ~~profiling for entry of the data into the OSBI DNA Offender Database~~  
15 sample to the law enforcement agency having custody of that person.

16 This provision shall only apply when such federal or state  
17 conviction carries a requirement of sex offender registration and/or  
18 DNA profiling. ~~The person to be profiled shall pay a fee of One~~  
19 ~~Hundred Fifty Dollars (\$150.00) to the OSBI.~~

20 C. The OSBI shall promulgate rules concerning the collection,  
21 storing, expungement and dissemination of information and samples  
22 for the OSBI Combined DNA Index System (CODIS) Database. The OSBI  
23 shall determine the type of equipment, collection procedures, and  
24 reporting documentation to be used by federal, state, county or

1 municipal law enforcement or criminal justice agencies in submitting  
2 DNA samples to the OSBI. The OSBI shall provide training to  
3 designated employees of these agencies in the proper methods of  
4 performing the duties required by this section.

5 D. Persons subject to DNA testing shall pay a fee of One  
6 Hundred Fifty Dollars (\$150.00) to the OSBI for submission to the  
7 OSBI Combined DNA Index System (CODIS) in accordance with Section  
8 1313.2 of Title 20 of the Oklahoma Statutes.

9 E. The OSBI Combined DNA Index System (CODIS) Database is  
10 specifically exempt from any statute requiring disclosure of  
11 information to the public. The DNA sample and the information  
12 contained in the database is privileged from discovery and  
13 inadmissible as evidence in any civil court proceeding. The  
14 information in the database is confidential and shall not be  
15 released to the public. Any person charged with the custody and  
16 dissemination of information from the database shall not divulge or  
17 disclose any such information except to federal, state, county or  
18 municipal law enforcement or criminal justice agencies. Any person  
19 violating the provisions of this section upon conviction shall be  
20 deemed guilty of a misdemeanor punishable by imprisonment in the  
21 county jail for not more than one (1) year.

22 ~~E. The OSBI shall promulgate rules concerning the collection,~~  
23 ~~storing, expungement and dissemination of information and samples~~  
24 ~~for the OSBI Combined DNA Index System (CODIS) Database. The OSBI~~

1 ~~shall determine the type of equipment, collection procedures, and~~  
2 ~~reporting documentation to be used by the Department of Corrections~~  
3 ~~or a county sheriff's office in submitting DNA samples to the OSBI~~  
4 ~~in accordance with Section 991a of Title 22 of the Oklahoma~~  
5 ~~Statutes. The OSBI shall provide training to designated employees~~  
6 ~~of the Department of Corrections and a county sheriff's office in~~  
7 ~~the proper methods of performing the duties required by this~~  
8 ~~section.~~

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

12 1. Forensic index database consisting of DNA profiles from  
13 unknown evidence samples;

14 2. Suspect index database consisting of DNA profiles from  
15 samples taken from individuals as a result of criminal  
16 investigations;

17 3. ~~Convicted offender~~ Offender index database consisting of DNA  
18 profiles from samples authorized pursuant to ~~subsection A~~ of this  
19 section; and

20 4. Missing persons and unidentified remains index or database  
21 consisting of DNA profiles from unidentified remains and relatives  
22 of missing persons.

23 G. ~~Any person convicted of an offense provided in this section~~  
24 ~~who is in custody after July 1, 1996, shall provide a blood or~~

1 ~~saliva sample prior to release. Every person who is convicted of an~~  
2 ~~offense provided in this section whose sentence does not include a~~  
3 ~~term of incarceration shall provide a blood or saliva sample as a~~  
4 ~~condition of sentence DNA specimen taken in good faith by federal,~~  
5 ~~state, county or municipal law enforcement or criminal justice~~  
6 ~~personnel and submitted to the OSBI may be included, maintained, and~~  
7 ~~kept by the OSBI in a database for criminal investigative purposes~~  
8 ~~despite the specimen having not been taken in strict compliance with~~  
9 ~~the provisions of this section.~~

10 SECTION 4. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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15 51-2-11190 GRS 04/21/08

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