

SB 2041

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THE STATE SENATE
Thursday, February 21, 2008

Senate Bill No. 2041
As Amended

SENATE BILL NO. 2041 - By: NICHOLS of the Senate and TERRILL of the House.

[criminal procedure - OSBI Combined DNA Index System
(CODIS) Database -
emergency]

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

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

Section 150.27a A. There is hereby established within the Oklahoma State Bureau of Investigation the OSBI Combined DNA Index System (CODIS) Database for the purpose of collecting and storing blood or saliva samples and DNA profiles, analyzing and typing of the genetic markers contained in or derived from DNA, and maintaining the records and samples of DNA of individuals convicted of any felony offense, and of individuals required to register pursuant to the Sex Offenders Registration Act. The purpose of this database is the detection or exclusion of individuals who are subjects of the investigation or prosecution of sex-related crimes, violent crimes, or other crimes in which biological evidence is recovered, and such information shall be used for no other purpose.

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

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

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

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

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

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

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

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.

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-19-08 - DO
19 PASS, As Amended and Coauthored.