

1 ENGROSSED HOUSE
2 BILL NO. 1505

By: Denney, Billy, Nelson,
Smithson, Sullivan, Roan
and McCullough of the House

3
4 and

5 Crain of the Senate
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7

8 (DNA evidence - amending 74 O.S., Section 150.27a -
9 DNA Offender Database - noncodification -
10 effective date)
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 Section 2 of this act shall be known and may be cited as "Juli's
17 Law".

18 SECTION 2. AMENDATORY 74 O.S. 2001, Section 150.27a, as
19 last amended by Section 5, Chapter 441, O.S.L. 2005 (74 O.S. Supp.
20 2008, Section 150.27a), is amended to read as follows:

21 Section 150.27a A. There is hereby established within the
22 Oklahoma State Bureau of Investigation the OSBI Combined DNA Index
23 System (CODIS) Database for the purpose of collecting and storing
24 blood or saliva samples and DNA profiles, analyzing and typing of

1 the genetic markers contained in or derived from DNA, and
2 maintaining the records and samples of DNA of all individuals
3 ~~convicted of any felony offense, and of individuals required to~~
4 ~~register pursuant to the Sex Offenders Registration Act mentioned in~~
5 ~~this section.~~ The purpose of this database is ~~the detection or~~
6 ~~exclusion~~ to maintain a DNA record of individuals ~~who are subjects~~
7 ~~of the investigation or prosecution of sex-related crimes, violent~~
8 ~~crimes, or other~~ listed in this section and provide investigative
9 leads to law enforcement officials regarding potential DNA matches
10 to crimes in which biological evidence is recovered, and such
11 information shall be used for no other purpose.

12 B. ~~Any DNA specimen taken in good faith by the Department of~~
13 ~~Corrections, its employees or contractors, and submitted to the OSBI~~
14 ~~may be included, maintained, and kept by the OSBI in a database for~~
15 ~~criminal investigative purposes despite the specimen having not been~~
16 ~~taken in strict compliance with the provisions of this section or~~
17 ~~Section 991a of Title 22 of the Oklahoma Statutes.~~

18 C. ~~Upon the request to OSBI by the federal or state authority~~
19 ~~having custody of the~~ DNA samples shall be taken by employees or
20 contractors of federal, state, county or municipal law enforcement
21 or criminal justice agencies. Persons collecting blood or saliva
22 for DNA testing pursuant to this section shall be immune from civil
23 liabilities arising from this activity. The collecting agency shall
24 ensure the DNA samples are mailed to the Oklahoma State Bureau of

1 Investigation within ten (10) days of the time the sample is
2 collected. The collecting agency shall use sample kits provided by
3 the OSBI and pursuant to procedures promulgated by the OSBI.

4 1. Any person arrested for any sex offense provided for in the
5 Sex Offenders Registration Act or for any felony offense provided
6 for in Section 13.1 of Title 21 of the Oklahoma Statutes shall
7 provide a DNA sample at the time the person is booked into the
8 detention facility or institution.

9 2. Any person convicted of a felony offense after January 1,
10 2006, whose sentence includes a term of incarceration shall provide
11 a DNA sample upon entering the detention facility.

12 3. Any person convicted of a felony offense after January 1,
13 2006, whose sentence does not include a term of incarceration shall
14 provide a DNA sample within thirty (30) days of sentencing to the
15 Department of Corrections, the sheriff of the county in which the
16 person was sentenced, or other peace officer as directed by the
17 court.

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

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

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

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

10 C. The OSBI shall promulgate rules concerning the collection,
11 storing, expungement and dissemination of information and samples
12 for the OSBI Combined DNA Index System (CODIS) Database. The OSBI
13 shall determine the type of equipment, collection procedures, and
14 reporting documentation to be used by federal, state, county or
15 municipal law enforcement or criminal justice agencies in submitting
16 DNA samples to the OSBI. The OSBI shall provide training to
17 designated employees of these agencies in the proper methods of
18 performing the duties required by this section.

19 D. Persons subject to DNA testing shall pay a fee of Fifty
20 Dollars (\$50.00) to the OSBI for submission to the OSBI Combined DNA
21 Index System (CODIS) Database in accordance with Section 1313.2 of
22 Title 20 of the Oklahoma Statutes.

23 E. The OSBI Combined DNA Index System (CODIS) Database is
24 specifically exempt from any statute requiring disclosure of

1 information to the public. The DNA sample and the information
2 contained in the database is privileged from discovery and
3 inadmissible as evidence in any civil court proceeding. The
4 information in the database is confidential and shall not be
5 released to the public. Any person charged with the custody and
6 dissemination of information from the database shall not divulge or
7 disclose any such information except to federal, state, county or
8 municipal law enforcement or criminal justice agencies. Any person
9 violating the provisions of this section upon conviction shall be
10 deemed guilty of a misdemeanor punishable by imprisonment in the
11 county jail for not more than one (1) year.

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

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

4 1. Forensic index database consisting of DNA profiles from
5 unknown evidence samples;

6 2. Suspect index database consisting of DNA profiles from
7 samples taken from individuals as a result of criminal
8 investigations;

9 3. ~~Convicted offender~~ Offender index database consisting of DNA
10 profiles from samples authorized pursuant to ~~subsection A~~ of this
11 section; and

12 4. Missing persons and unidentified remains index or database
13 consisting of DNA profiles from unidentified remains and relatives
14 of missing persons.

15 G. ~~Any person convicted of an offense provided in this section~~
16 ~~who is in custody after July 1, 1996, shall provide a blood or~~
17 ~~saliva sample prior to release. Every person who is convicted of an~~
18 ~~offense provided in this section whose sentence does not include a~~
19 ~~term of incarceration shall provide a blood or saliva sample as a~~
20 ~~condition of sentence~~ DNA specimen taken in good faith by federal,
21 state, county or municipal law enforcement or criminal justice
22 personnel and submitted to the OSBI may be included, maintained, and
23 kept by the OSBI in a database for criminal investigative purposes
24

1 despite the specimen having not been taken in strict compliance with
2 the provisions of this section.

3 H. To ensure the rights of individuals are protected, a person
4 whose DNA specimen has been collected for inclusion in the DNA
5 database in accordance with this section may request expungement of
6 the DNA records under the conditions authorized in Section 18 of
7 Title 22 of the Oklahoma Statutes and pursuant to the procedures
8 required in Section 19 of Title 22 of the Oklahoma Statutes. If the
9 request for expungement of DNA records is granted by the court, the
10 court shall have the authority to order the reimbursement of all
11 filing fees, court costs and OSBI expungement fee incurred by the
12 person as a result of filing the expungement request.

13 I. Any identification, warrant, arrest, or evidentiary use of a
14 DNA match derived from the database shall not be excluded or
15 suppressed from evidence nor shall any conviction be invalidated or
16 reversed or plea set aside due to the failure to expunge DNA records
17 or a delay in expunging DNA records.

18 SECTION 3. This act shall become effective November 1, 2009.
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1 Passed the House of Representatives the 10th day of March, 2009.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate