

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1107

By: Jolley

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 74  
8 O.S. 2001, Section 150.27a, as last amended by  
9 Section 5, Chapter 441, O.S.L. 2006 (74 O.S. Supp.  
10 2008, Section 150.27a), which relates to OSBI  
11 Combined DNA Index System (CODIS) Database;  
12 authorizing certain persons to take certain samples;  
13 requiring certain persons to provide certain samples;  
14 and providing an effective date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.27a, as  
17 last amended by Section 5, Chapter 441, O.S.L. 2006 (74 O.S. Supp.  
18 2008, Section 150.27a), is amended to read as follows:

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

1 database is the detection or exclusion of individuals who are  
2 subjects of the investigation or prosecution of sex-related crimes,  
3 violent crimes, or other crimes in which biological evidence is  
4 recovered, and such information shall be used for no other purpose.

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

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

21 D. The OSBI Combined DNA Index System (CODIS) Database is  
22 specifically exempt from any statute requiring disclosure of  
23 information to the public. The information contained in the  
24 database is privileged from discovery and inadmissible as evidence

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

10 E. 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 the Department of Corrections  
15 or a county sheriff's office in submitting DNA samples to the OSBI  
16 in accordance with Section 991a of Title 22 of the Oklahoma  
17 Statutes. The OSBI shall provide training to designated employees  
18 of the Department of Corrections and a county sheriff's office in  
19 the proper methods of performing the duties required by this  
20 section.

21 F. The OSBI Combined DNA Index System (CODIS) Database may  
22 include secondary databases and indexes including, but not limited  
23 to:  
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1 1. Forensic index database consisting of unknown evidence  
2 samples;

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

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

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

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

16 SECTION 2. This act shall become effective November 1, 2009.

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