

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1304

By: Jolley

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6 AS INTRODUCED

7 An Act relating to DNA samples; amending 74 O.S.
8 2011, Section 150.27a, which relates to the OSBI
9 Combined DNA Index System (CODIS) Database; modifying
collection; removing restrictions on collection; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.27a, is
14 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, of individuals required to register pursuant
22 to the Sex Offenders Registration Act, and subject to the
23 availability of funds, of individuals convicted of a misdemeanor
24 offense of assault and battery, domestic abuse, stalking, possession

1 of a controlled substance prohibited under Schedule IV of the
2 Uniform Controlled Dangerous Substances Act, outraging public
3 decency, resisting arrest, escape or attempting to escape, eluding a
4 police officer, peeping tom, pointing a firearm, unlawful carry of a
5 firearm, illegal transport of a firearm, discharging of a firearm,
6 threatening an act of violence, breaking and entering a dwelling
7 place, destruction of property, negligent homicide, or causing a
8 personal injury accident while driving under the influence of any
9 intoxicating substance, or, upon arrest, any alien unlawfully
10 present under federal immigration law. The purpose of this database
11 is the detection or exclusion of individuals who are subjects of the
12 investigation or prosecution of sex-related crimes, violent crimes,
13 or other crimes in which biological evidence is recovered, and such
14 information shall be used for no other purpose.

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

22 C. Upon the request to OSBI by the federal or state authority
23 having custody of the person, any individual who was convicted of
24 violating laws of another state or the federal government, but is

1 currently incarcerated or residing in Oklahoma, shall submit to DNA
2 profiling for entry of the data into the OSBI DNA Offender Database.
3 This provision shall only apply when such federal or state
4 conviction carries a requirement of sex offender registration and/or
5 DNA profiling. The person to be profiled shall pay a fee of One
6 Hundred Fifty Dollars (\$150.00) to the OSBI.

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

20 E. 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 the Department of Corrections

1 or a county sheriff's office in submitting DNA samples to the OSBI
2 in accordance with Section 991a of Title 22 of the Oklahoma
3 Statutes. The OSBI shall provide training to designated employees
4 of the Department of Corrections and a county sheriff's office in
5 the proper methods of performing the duties required by this
6 section.

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

10 1. Forensic index database consisting of unknown evidence
11 samples;

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

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

16 4. Missing persons and unidentified remains index or database
17 consisting of DNA profiles from unidentified remains and relatives
18 of missing persons.

19 G. Any person ~~convicted of~~ arraigned and bound over for trial
20 on a felony offense who is in custody shall provide a blood or
21 saliva sample prior to release. ~~Subject to the availability of~~
22 ~~funds, any~~ Any person convicted of arraigned and bound over for
23 trial on a misdemeanor offense of assault and battery, domestic
24 abuse, stalking, possession of a controlled substance prohibited

1 under Schedule IV of the Uniform Controlled Dangerous Substances
2 Act, outraging public decency, resisting arrest, escape or
3 attempting to escape, eluding a police officer, peeping tom,
4 pointing a firearm, unlawful carry of a firearm, illegal transport
5 of a firearm, discharging of a firearm, threatening an act of
6 violence, breaking and entering a dwelling place, destruction of
7 property, negligent homicide, or causing a personal injury incident
8 while driving under the influence of any intoxicating substance who
9 is in custody shall provide a blood or saliva sample prior to
10 release. Every person who is convicted of a felony offense whose
11 sentence does not include a term of incarceration shall provide a
12 blood or saliva sample as a condition of sentence. ~~Subject to the~~
13 ~~availability of funds, every~~ Every person who is convicted of a
14 misdemeanor offense of assault and battery, domestic abuse,
15 stalking, possession of a controlled substance prohibited under
16 Schedule IV of the Uniform Controlled Dangerous Substances Act,
17 outraging public decency, resisting arrest, escape or attempting to
18 escape, eluding a police officer, peeping tom, pointing a firearm,
19 unlawful carry of a firearm, illegal transport of a firearm,
20 discharging of a firearm, threatening an act of violence, breaking
21 and entering a dwelling place, destruction of property, negligent
22 homicide, or causing a personal injury accident while driving under
23 the influence of any intoxicating substance whose sentence does not
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1 include a term of incarceration shall provide a blood or saliva
2 sample as a condition of sentence.

3 SECTION 2. This act shall become effective November 1, 2016.
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