

FIRST REGULAR SESSION

HOUSE BILL NO. 313

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DOUGHERTY (Sponsor) AND HENKE.

Read 1st time January 29, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1189L.011

AN ACT

To repeal sections 650.052 and 650.055, RSMo, and to enact in lieu thereof two new sections relating to DNA profiling system, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 650.052 and 650.055, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 650.052 and 650.055, to read as follows:

650.052. 1. The state's DNA profiling system shall:

2 (1) Assist federal, state and local criminal justice and law enforcement agencies in the
3 putative identification, detection or exclusion of individuals who are subjects of the investigation
4 or prosecution of [violent or sex-related crime] **any felony offense, any class A misdemeanor,**
5 **or any sexual offense under chapter 566, RSMo**, in which biological evidence is recovered
6 from the crime scene; and

7 (2) Support development of a population statistics database, when personal identifying
8 information is removed; and

9 (3) Support identification research and protocol development of forensic DNA analysis
10 methods; and

11 (4) For quality control purposes; or

12 (5) Assist in the recovery or identification of human remains from mass disasters, or for
13 other humanitarian purposes, including identification of living missing persons.

14 2. The Missouri state highway patrol shall act as the central repository for the DNA
15 profiling system and shall coordinate with the Federal Bureau of Investigation on the national
16 database program.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

17 3. The Missouri state highway patrol may promulgate rules in accordance with Federal
18 Bureau of Investigation recommendations for the form and manner of collection of blood or
19 other scientifically accepted biological samples and other procedures for the operation of sections
20 650.050 to 650.057. No rule or portion of a rule promulgated pursuant to the authority of this
21 section shall become effective unless it has been promulgated pursuant to the provisions of
22 section 536.024, RSMo.

23 4. The Missouri state highway patrol shall provide the necessary components for
24 collection of the convicted offender's biological samples. The specimens shall thereafter be
25 forwarded to the Missouri state highway patrol crime laboratory.

26 5. The state's forensic DNA laboratories shall meet quality assurance standards specified
27 by the Missouri state highway patrol and the Federal Bureau of Investigation to ensure quality
28 DNA identification records submitted to the central repository.

29 6. The state's forensic DNA laboratories may provide the system for identification
30 purposes to criminal justice, law enforcement officials and prosecutors in the preparation and
31 utilization of DNA evidence for presentation in court and provide expert testimony in court on
32 DNA evidentiary issues.

 650.055. 1. Every individual **who pleads guilty or nolo contendere to or is** convicted
2 in a Missouri circuit court, of [a] **any felony**], defined as a violent offense under chapter 565,
3 RSMo,] **offense, any class A misdemeanor**, or [as a sex] **any sexual** offense under chapter 566,
4 RSMo, excluding sections 566.010 and 566.020, RSMo, shall have a blood or scientifically
5 accepted biological sample collected for purposes of DNA profiling analysis:

6 (1) Upon entering the department of correction's reception and diagnostic centers; or

7 (2) Before release from a county jail or detention facility; or

8 (3) If such individual is under the jurisdiction of the department of corrections on or after
9 August 28, 1996. Such jurisdiction includes persons currently incarcerated, persons on
10 probation, as defined in section 217.650, RSMo, and on parole, as also defined in section
11 217.650, RSMo.

12 2. The Missouri state highway patrol and department of corrections shall be responsible
13 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
14 this section shall be required to provide such sample, without the right of refusal, at a collection
15 site designated by the Missouri state highway patrol and the department of corrections.
16 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
17 civil or criminal action when the act is performed in a reasonable manner. Such force may be
18 used as necessary to the effectual carrying out and application of such processes and operations.
19 The enforcement of these provisions by the authorities in charge of state correctional institutions
20 and others having custody of those convicted of the felony which shall not be set aside or

21 reversed, is hereby made mandatory.

22 3. The procedure and rules for the collection, analysis, storage, expungement, use of
23 DNA database records and privacy concerns shall not conflict with procedures and rules
24 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
25 data bank system.

26 4. Unauthorized uses or dissemination of individually identifiable DNA information in
27 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

28 5. Implementation of section 650.050 and this section shall be subject to future
29 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
30 Investigation's DNA data bank system.