

HB 1094 -- DNA Profiling System

Sponsor: Mayer

This bill makes several changes in the laws governing the collection of DNA evidence. The bill:

- (1) Clarifies that forensic DNA analysis is admissible in any criminal proceeding to prove any relevant fact;
- (2) Allows the state's DNA profiling system to be used to investigate any crime. Current law limits its use to investigating violent or sex-related crimes;
- (3) Clarifies that the Department of Corrections may have DNA samples collected by a contracted third party;
- (4) Requires a DNA sample to be collected from every person convicted of a felony or any offense in Chapter 566, RSMo (sex crimes). Current law does not require collection for some offenses in Chapter 566 or for nonviolent offenses;
- (5) Clarifies that a DNA sample must be collected upon release from any correctional facility, including a mental health facility;
- (6) Makes the acceptance of an offender from another state under any interstate compact conditioned upon the collection of a DNA sample when the offender has been convicted of an offense which would require a sample if committed in Missouri;
- (7) Prohibits the early release of any offender until the offender has provided a DNA sample;
- (8) Requires an offender to provide another DNA sample if the offender's DNA sample is not adequate for any reason;
- (9) Prohibits courts from excluding evidence or setting aside any warrant or conviction that is based upon a DNA sample that was obtained or placed in the database by mistake;
- (10) Establishes the DNA Database Fund to be administered by the Department of Public Safety and requires a \$160 fee to be assessed on all offenders required to provide a DNA sample. The fund will be used to provide for the ongoing operation of the state and local DNA index systems;
- (11) Makes all DNA records and biological materials confidential and allows them to be disclosed only to government employees for the performance of their public duties;

(12) Limits the use of records from the DNA profiling system to criminal investigations and proceedings and for law enforcement's identification purposes;

(13) Allows an individual whose criminal case was dismissed or conviction reversed to request the court to order his or her DNA record expunged;

(14) Requires the State Highway Patrol's crime lab to expunge all DNA records of an individual upon receipt of a certified copy of the final court order reversing a conviction, as long as the person is not otherwise required to submit a DNA sample;

(15) Allows the patrol to refuse to expunge any physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed; and

(16) Prohibits courts from excluding evidence or setting aside any warrant or conviction due to a failure to expunge, or a delay in expunging, DNA records.