

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 733
94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety April 10, 2008 with recommendation that House Committee Substitute for Senate Bill No. 733 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3291L.02C

AN ACT

To repeal section 650.100, RSMo, and to enact in lieu thereof two new sections relating to crime laboratories.

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

Section A. Section 650.100, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 650.060 and 650.100, to read as follows:

650.060. 1. On or after December 31, 2012, any crime laboratory providing reports or testimony to a state court pertaining to a result of the forensic analysis of evidence shall be accredited or provisionally accredited by a laboratory accrediting organization approved by the department of public safety.

2. This section shall not apply to testimony, results, reports, or evidence of forensic analysis produced by a crime laboratory prior to December 31, 2012. Such testimony, results, reports, or evidence of forensic analysis need not be performed by an accredited or provisionally accredited crime laboratory and may be produced or presented on behalf of the prosecution in a state court after December 31, 2012, as long as the forensic analysis was produced prior to such date.

3. Crime laboratories may utilize funding provided through section 595.045, RSMo, to defray costs associated with applying for and maintaining accreditation.

4. The department of public safety shall promulgate rules identifying approved accrediting bodies and shall establish procedures for the monitoring of crime laboratory

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **compliance with the approved accrediting body. Any rule or portion of a rule, as that term**
16 **is defined in section 536.010, RSMo, that is created under the authority delegated in this**
17 **section shall become effective only if it complies with and is subject to all of the provisions**
18 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
19 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
20 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
21 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
22 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
23 **void.**

650.100. **As used in this chapter,** the following words shall have the following
2 meanings unless a different meaning clearly appears from the context:

3 (1) "Central repository", is the location where all DNA samples collected from
4 individuals defined in section 650.055 will be maintained and analyzed; where all authorized
5 DNA profiles uploaded to the state's database will be maintained; and from where all authorized
6 DNA profiles will be uploaded to the national DNA database;

7 (2) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that
8 allows the storage and exchange of DNA records submitted by federal, state, and local DNA
9 crime laboratories. The term "CODIS" includes the National DNA Index System administered
10 and operated by the Federal Bureau of Investigation;

11 (3) "Crime [laboratories]", those crime laboratories existing on September 28, 1979, in
12 certain cities in this state and which have at least once prior to September 28, 1979, received
13 funding through the Missouri council on criminal justice, and such other crime laboratories that
14 may be created to serve specified regions of the state as determined by the director of the
15 department of public safety] **laboratory", a laboratory operated or supported financially by**
16 **the state or any unit of city, county, or other local Missouri government that employs at**
17 **least one scientist, who examines physical evidence in criminal matters and provides expert**
18 **or opinion testimony with respect to such physical evidence in a state court of law;**

19 (4) "Department", the Missouri department of public safety;

20 (5) "DNA", deoxyribonucleic acid. DNA is located in the cells and provides an
21 individual's personal genetic blueprint. DNA encodes genetic information that is the basis of
22 human heredity and forensic identification;

23 (6) "DNA profile" refers to the collective results of all DNA identification analyses on
24 an individual's DNA sample;

25 (7) "DNA record", the DNA identification information stored in the state DNA database
26 or CODIS. The DNA record is the result obtained from the DNA analysis. The DNA record is
27 comprised of the characteristics of a DNA sample, which are of value in establishing the identity

28 of individuals, the DNA profile as well as data required to manage and operate the state's DNA
29 database, to include the specimen identification number;

30 (8) "DNA sample", a biological sample provided by any person with respect to offenses
31 covered by section 650.055 or submitted to the Missouri state highway patrol crime laboratory
32 pursuant to sections 650.050 to 650.100 for analysis or storage or both;

33 (9) "Forensic DNA analysis", the identification and evaluation of biological evidence in
34 criminal matters using DNA technologies;

35 (10) "Local funds", any funds not provided by the federal government.

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