

COMMITTEE ON TRANSPORTATION AND PUBLIC SAFETY
SENATE AMENDMENTS TO S.B. 1475
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 41-2418, Arizona Revised Statutes, is amended to
3 read:

4 41-2418. Arizona deoxyribonucleic acid identification system

5 A. The Arizona deoxyribonucleic acid identification system is
6 established in the department of public safety for the purposes of
7 conducting deoxyribonucleic acid testing and analysis pursuant to ~~section~~
8 SECTIONS 13-610 AND 41-2419.

9 B. The scientific criminal analysis section established in section
10 41-1771 shall establish procedures for the implementation of section
11 13-610, subsection H AND SECTION 41-2419.

12 Sec. 2. Title 41, chapter 21, article 1, Arizona Revised Statutes,
13 is amended by adding section 41-2419, to read:

14 41-2419. Deoxyribonucleic acid identification database; DNA ID
15 collection; ombudsman; violation; classification;
16 definitions

17 A. THE DEPARTMENT OF PUBLIC SAFETY SHALL ESTABLISH AND MAINTAIN A
18 DEOXYRIBONUCLEIC ACID IDENTIFICATION DATABASE TO RETAIN DNA ID THAT IS
19 COLLECTED FROM A SEXUAL ASSAULT KIT.

20 B. THE DEPARTMENT SHALL PUBLISH STANDARDS AND PROTOCOLS FOR THE
21 COLLECTION AND PROCESSING OF DNA ID AND FOR THE SUBMISSION OF DNA ID FOR
22 INCLUSION IN THE DATABASE. THE PROTOCOLS MUST INCLUDE:

23 1. PROCEDURES FOR ACCESSING AND ANALYZING INFORMATION IN THE
24 DATABASE AND PROVIDING RESPONSES TO AUTHORIZED REQUESTS FOR IDENTIFICATION
25 OR OTHER INFORMATION.

1 2. A PROCESS THAT REQUIRES SAMPLES IN SEXUAL ASSAULT KITS TO BE
2 ANALYZED USING RAPID DNA IDENTIFICATION.

3 C. THE DEPARTMENT SHALL DEVELOP PROCEDURES SO THAT COLLECTED
4 SAMPLES, WHICH AFTER PROCESSING MAY NOT MEET THE CRITERIA FOR INCLUSION IN
5 THE DATABASE, MAY BE SEARCHED AGAINST THAT DATABASE.

6 D. THE DEPARTMENT SHALL ANNUALLY PREPARE AND PUBLISH A REPORT THAT
7 DOCUMENTS THE USE OF THE DATABASE, INCLUDING THE NUMBER OF DNA ID SAMPLES
8 IN THE SYSTEM AND THE NUMBER OF QUERIES AND GENERAL NATURE OF THE QUERIES.
9 THE REPORT SHALL BE IN THE AGGREGATE AND MAY NOT CONTAIN INFORMATION THAT
10 ALLOWS ANY PERSON WHOSE DNA ID IS IN THE DATABASE TO BE IDENTIFIED.

11 E. THE DEPARTMENT SHALL APPOINT AN OMBUDSMAN TO RECEIVE, INVESTIGATE
12 AND RESPOND TO COMPLAINTS FROM ANY PERSON WHO BELIEVES THE INFORMATION
13 IDENTIFYING THE PERSON IN THE DATABASE IS INCORRECT, HAS BEEN SUBMITTED
14 WITHOUT AUTHORIZATION OR HAS BEEN USED IN AN UNAUTHORIZED MANNER. THE
15 OMBUDSMAN SHALL RECOMMEND REMEDIAL ACTIONS TO THE DEPARTMENT TO CORRECT THE
16 INFORMATION OR TO DELETE THE INFORMATION FROM THE DATABASE IF, AFTER
17 REVIEW, THE OMBUDSMAN DETERMINES THE IDENTIFICATION IS INCORRECT OR WAS
18 IMPROPERLY OBTAINED.

19 F. A PERSON WHO COLLECTS BIOLOGICAL SAMPLES TO GENERATE DNA ID MUST
20 COMPLETE TRAINING IN COLLECTION PROCEDURES THAT IS APPROVED BY THE
21 DEPARTMENT.

22 G. A COLLECTING AGENCY:

23 1. SHALL PROMPTLY PROCESS THE SAMPLE OR CAUSE THE SAMPLE TO BE
24 PROCESSED USING A RAPID DNA IDENTIFICATION INSTRUMENT THAT IS APPROVED BY
25 THE FEDERAL BUREAU OF INVESTIGATION AND THAT HAS THE CAPACITY TO RETURN
26 RESULTS IN LESS THAN TWO HOURS AND SUBMIT THE RESULTING DNA ID TO THE
27 DEPARTMENT.

28 2. MAY NOT TEST THE SAMPLE FOR OR SUBMIT ANY DEOXYRIBONUCLEIC ACID
29 INFORMATION OTHER THAN DNA ID. DEOXYRIBONUCLEIC ACID SEQUENCE OR SINGLE
30 NUCLEOTIDE POLYMORPHISM ARE EXPLICITLY EXCLUDED FROM SUBMISSION.

1 H. THE DATABASE IS NOT A PUBLIC RECORD AND MAY BE ACCESSED OR
2 SEARCHED ONLY BY THE DEPARTMENT OR A PERSON WHO IS AUTHORIZED BY THE
3 DEPARTMENT AS FOLLOWS:

4 1. BY LAW ENFORCEMENT PERSONNEL FOR LEGITIMATE CRIMINAL JUSTICE
5 PURPOSES, INCLUDING INVESTIGATIONS AND CUSTODIAL FACILITY MANAGEMENT.

6 2. TO MATCH DNA ID WITH OTHER DATABASES, INCLUDING CRIMINAL JUSTICE
7 RELATED DATABASES.

8 3. ON THE ISSUANCE OF A VALID COURT ORDER FROM A COURT OF COMPETENT
9 JURISDICTION.

10 I. THE DATABASE MAY NOT BE USED FOR THE STORAGE OF A
11 DEOXYRIBONUCLEIC ACID SEQUENCE OR A SINGLE NUCLEOTIDE POLYMORPHISM OR TO
12 CREATE A GENETIC PROFILE.

13 J. A PERSON WHO KNOWINGLY USES INFORMATION IN THE DATABASE OR
14 ACCESSES THE DATABASE FOR AN UNAUTHORIZED PURPOSE IS GUILTY OF A CLASS 2
15 MISDEMEANOR.

16 K. FOR THE PURPOSES OF THIS SECTION:

17 1. "COLLECTING AGENCY" MEANS A LOCAL OR STATE LAW ENFORCEMENT
18 AGENCY, MEDICAL EXAMINER OR OTHER AGENCY AUTHORIZED BY THE DEPARTMENT TO
19 COLLECT BIOLOGICAL SAMPLES AND PROCESS THE SAMPLES TO GENERATE DNA ID.

20 2. "DATABASE" MEANS THE DEOXYRIBONUCLEIC ACID IDENTIFICATION
21 DATABASE.

22 3. "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY.

23 4. "DNA ID" MEANS A HUMAN IDENTIFICATION MEASUREMENT THAT IS BASED
24 ON THE SIZE OF A SET OF SHORT TANDEM REPEATS IN THE GENOME OF A PERSON THAT
25 IS OBTAINED FROM A BIOLOGICAL SAMPLE BY SHORT TANDEM REPEAT AMPLIFICATION
26 AND ELECTROPHORETIC SIZING AND THAT IS GENERATED FROM A NONCODING PORTION
27 OF DEOXYRIBONUCLEIC ACID THAT DOES NOT CONTAIN ANY INFORMATION, OTHER THAN
28 GENDER, ABOUT A PERSON'S PHYSICAL CHARACTERISTICS OR MEDICAL CONDITIONS.

29 5. "GENETIC PROFILE" MEANS A DESCRIPTION OF A PERSON'S GENETIC CODE
30 THAT IS DEVELOPED THROUGH DEOXYRIBONUCLEIC ACID SEQUENCING OR SINGLE
31 NUCLEOTIDE POLYMORPHISM TECHNOLOGIES AND THAT CONTAINS INFORMATION ABOUT
32 THAT PERSON'S PHYSICAL CHARACTERISTICS OR MEDICAL CONDITIONS.

1 6. "RAPID DNA IDENTIFICATION" MEANS THE FULLY AUTOMATED GENERATION
2 OF DNA ID WITHOUT HUMAN HANDLING OR HUMAN DATA INTERPRETATION.

3 7. "SINGLE NUCLEOTIDE POLYMORPHISM" MEANS A VARIATION IN
4 DEOXYRIBONUCLEIC ACID SEQUENCE IN WHICH A SINGLE NUCLEOTIDE AT A SPECIFIC
5 LOCATION IN THE GENOME VARIES FROM PERSON TO PERSON AND CAN BE USED TO
6 ASSESS A GIVEN PERSON'S PHYSICAL CHARACTERISTICS OR MEDICAL CONDITIONS.

7 Amend title to conform

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