

PROPOSED  
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 PURSUANT TO THIS SECTION. THE DNA ID MUST BE ASSOCIATED WITH THE  
20 PERSON'S NAME, DATE OF BIRTH, LAST KNOWN ADDRESS AND SOCIAL SECURITY  
21 NUMBER, IF AVAILABLE. THE DATABASE MAY NOT INCLUDE ANY CRIMINAL HISTORY OR  
22 MEDICAL CONDITION INFORMATION AND MUST BE SEPARATE FROM ANY OTHER DATABASE  
23 THAT IS MAINTAINED BY THE DEPARTMENT OF PUBLIC SAFETY FOR CRIMINAL JUSTICE  
24 PURPOSES.

1           B. THE DEPARTMENT SHALL PUBLISH STANDARDS AND PROTOCOLS FOR THE  
2 COLLECTION AND PROCESSING OF DNA ID AND FOR THE SUBMISSION OF DNA ID FOR  
3 INCLUSION IN THE DATABASE. THE PROTOCOLS MUST INCLUDE:

4           1. PROCEDURES FOR ACCESSING AND ANALYZING INFORMATION IN THE  
5 DATABASE AND PROVIDING RESPONSES TO AUTHORIZED REQUESTS FOR IDENTIFICATION  
6 OR OTHER INFORMATION.

7           2. A PROCESS FOR THE COLLECTION OF AN ADDITIONAL SET OF SAMPLES IN  
8 SEXUAL ASSAULT KITS FOR ANALYSIS WITH RAPID DNA IDENTIFICATION.

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

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

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

25           F. DNA ID SHALL BE COLLECTED FROM A PERSON WHO IS REQUIRED BY LAW TO  
26 SUBMIT FINGERPRINTS FOR PURPOSES OF IDENTIFICATION AS PART OF AN  
27 APPLICATION FOR LICENSURE OR CERTIFICATION OR RENEWAL OF A LICENSE OR  
28 CERTIFICATE IF THE PERSON HAS NOT PREVIOUSLY SUBMITTED DNA ID, AND THE  
29 PERSON PROVIDES DIRECT CARE IN AN INTERMEDIATE CARE FACILITY FOR  
30 INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

1           G. A PERSON WHO COLLECTS BIOLOGICAL SAMPLES TO GENERATE DNA ID MUST  
2 COMPLETE TRAINING IN COLLECTION PROCEDURES THAT IS APPROVED BY THE  
3 DEPARTMENT.

4           H. A COLLECTING AGENCY:

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

10           2. MAY REQUIRE THE PERSON TO SUBMIT AN ADDITIONAL SAMPLE IF THE  
11 SAMPLE IS FROM A PERSON FOR USE AS A REFERENCE DNA ID AND THE FIRST SAMPLE  
12 DOES NOT GENERATE A REFERENCE DNA ID CONTAINING DATA FROM AT LEAST FIFTEEN  
13 OF THE TWENTY FEDERAL BUREAU OF INVESTIGATION CORE LOCI.

14           3. MAY NOT TEST THE SAMPLE FOR OR SUBMIT ANY DEOXYRIBONUCLEIC ACID  
15 INFORMATION OTHER THAN DNA ID. DEOXYRIBONUCLEIC ACID SEQUENCE OR SINGLE  
16 NUCLEOTIDE POLYMORPHISM ARE EXPLICITLY EXCLUDED FROM SUBMISSION.

17           4. SHALL ENSURE THAT THE BIOLOGICAL SAMPLE IS DESTROYED IMMEDIATELY  
18 AFTER TESTING IS COMPLETE.

19           5. MAY COLLECT A FEE OF UP TO \$250 FROM A PERSON WHO SUBMITS  
20 BIOLOGICAL SAMPLES PURSUANT TO THIS SECTION.

21           I. THE DATABASE IS NOT A PUBLIC RECORD AND MAY BE ACCESSED OR  
22 SEARCHED ONLY BY THE DEPARTMENT OR A PERSON WHO IS AUTHORIZED BY THE  
23 DEPARTMENT AS FOLLOWS:

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

26           2. TO MATCH DNA ID WITH OTHER DATABASES, INCLUDING CRIMINAL JUSTICE  
27 RELATED DATABASES.

28           3. TO SHARE DNA ID WITH OTHER GOVERNMENTAL ENTITIES OR JURISDICTIONS  
29 FOR PURPOSES OF CRIMINAL LAW ENFORCEMENT, IDENTIFICATION FOR EMPLOYMENT,  
30 LICENSING, DEATH REGISTRATION, MISSING PERSONS IDENTIFICATION,  
31 IDENTIFICATION OF PERSONS USING ALIASES OR OTHER MULTIPLE IDENTITIES OR  
32 OTHER USES SPECIFICALLY AUTHORIZED BY THE DEPARTMENT.

1           4. ON THE ISSUANCE OF A VALID COURT ORDER FROM A COURT OF COMPETENT  
2 JURISDICTION.

3           5. FOR A LEGITIMATE RESEARCH STUDY THAT IS APPROVED BY THE  
4 DEPARTMENT AND THAT ENSURES THAT THE RESEARCH IS RESTRICTED TO AGGREGATE  
5 INFORMATION THAT CANNOT BE CONNECTED TO ANY INDIVIDUAL DNA ID.

6           J. THE DATABASE MAY NOT BE USED FOR THE STORAGE OF A  
7 DEOXYRIBONUCLEIC ACID SEQUENCE OR A SINGLE NUCLEOTIDE POLYMORPHISM OR TO  
8 CREATE A GENETIC PROFILE.

9           K. A PERSON WHO KNOWINGLY USES INFORMATION IN THE DATABASE OR  
10 ACCESSES THE DATABASE FOR AN UNAUTHORIZED PURPOSE IS GUILTY OF A CLASS 2  
11 MISDEMEANOR.

12           L. FOR THE PURPOSES OF THIS SECTION:

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

16           2. "DATABASE" MEANS THE DEOXYRIBONUCLEIC ACID IDENTIFICATION  
17 DATABASE.

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

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

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

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

1           7. "REFERENCE DNA ID" MEANS DNA ID THAT IS GENERATED DIRECTLY FROM A  
2 PERSON, INCLUDING BY A BUCCAL SWAB, AND THAT MUST CONTAIN DATA FROM AT  
3 LEAST FIFTEEN OF THE TWENTY FEDERAL BUREAU OF INVESTIGATION CORE LOCI.

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

8           Sec. 3. Requirements for enactment: two-thirds vote

9           Pursuant to article IX, section 22, Constitution of Arizona, this act  
10 is effective only on the affirmative vote of at least two-thirds of the  
11 members of each house of the legislature and is effective immediately on  
12 the signature of the governor or, if the governor vetoes this act, on the  
13 subsequent affirmative vote of at least three-fourths of the members of  
14 each house of the legislature."

15 Amend title to conform

DAVID LIVINGSTON

1475LIVINGSTON  
02/15/2019  
12:06 PM  
C: sp