

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2120

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2120 would update the law concerning the Kansas Bureau of Investigation's (KBI) collection of DNA samples to align the law with current practices. Specifically, the bill would remove references to drawing blood and require the specified persons to submit biological samples to the KBI at the time the person is fingerprinted as part of the booking procedure. The KBI would provide the necessary kits and supplies for collection and the samples would not be accepted for admission or comparison unless obtained in substantial compliance with the provisions of the bill by an accredited forensic laboratory meeting the national DNA index guidelines established by the Federal Bureau of Investigation. If the person's DNA sample was not properly obtained, the person would be required to provide another sample. Additionally, a sample that is collected by a law enforcement agency or juvenile justice agency in substantial compliance with the provisions of the bill, or any evidence based upon or derived from such sample, could not be excluded as evidence in any criminal proceeding on the basis that the sample was not validly obtained.

The bill also would amend provisions outlining who is required to submit such a sample. The bill would clarify that a person only would be required to submit a sample when convicted of lewd and lascivious behavior if the crime was committed in the presence of a person 16 or more years of age. Further, the bill would specify that persons who were

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

incarcerated on May 2, 1991 for a crime committed prior to that date would be required to submit a sample prior to final discharge or conditional release.

Finally, the bill would strike provisions that are outdated, make other technical amendments, and define key terms.

Background

In the House Committee on Corrections and Juvenile Justice, a representative of the KBI appeared in support of the bill and explained that these revisions are recommended as saliva, rather than blood, is used more often for DNA samples, and other technical changes are necessary to remove conflicts and clean up the language.

The House Committee amended the bill to strike language that would have allowed a court to order a person to submit a sample upon conviction or adjudication for any crime and to clarify language concerning the validity of these samples as evidence.

The fiscal note prepared by the Division of the Budget for the bill, as introduced, indicates passage of the bill could have an effect on the judicial branch but the precise impact is unknown. Passage of the bill would have no effect on the KBI or the Juvenile Justice Authority.