

SECOND REGULAR SESSION

SENATE BILL NO. 733

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3291S.011

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Section A. Section 650.100, RSMo, is repealed and two new sections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

**650.060. 1. On or after December 31, 2010, any crime laboratory
2 providing reports or testimony to a state court pertaining to a result of
3 the forensic analysis of evidence shall be accredited by a laboratory
4 accrediting organization approved by the department of public safety.**

5 **2. This section shall not apply to testimony, results, reports, or
6 evidence of forensic analysis produced by a crime laboratory prior to
7 December 31, 2010. Such testimony, results, reports, or evidence of
8 forensic analysis need not be performed by an accredited crime
9 laboratory and may be produced or presented on behalf of the
10 prosecution in a state court after December 31, 2010, as long as the
11 forensic analysis was produced prior to such date.**

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

15 **4. The department of public safety shall promulgate rules
16 identifying approved accrediting bodies and shall establish procedures
17 for the monitoring of crime laboratory compliance with the approved
18 accrediting body. Any rule or portion of a rule, as that term is defined**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 in section 536.010, RSMo, that is created under the authority delegated
20 in this section shall become effective only if it complies with and is
21 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
22 section 536.028, RSMo. This section and chapter 536, RSMo, are
23 nonseverable and if any of the powers vested with the general assembly
24 pursuant to chapter 536, RSMo, to review, to delay the effective date,
25 or to disapprove and annul a rule are subsequently held
26 unconstitutional, then the grant of rulemaking authority and any rule
27 proposed or adopted after August 28, 2008, shall be invalid and void.

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

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

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

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

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

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

27 (6) "DNA profile" refers to the collective results of all DNA identification

28 analyses on an individual's DNA sample;

29 (7) "DNA record", the DNA identification information stored in the state
30 DNA database or CODIS. The DNA record is the result obtained from the DNA
31 analysis. The DNA record is comprised of the characteristics of a DNA sample,
32 which are of value in establishing the identity of individuals, the DNA profile as
33 well as data required to manage and operate the state's DNA database, to include
34 the specimen identification number;

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

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

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

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Bill

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