

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 733

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS CHAMPION AND GIBBONS.

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

Read 2nd time January 10, 2008, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee March 13, 2008, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up April 2, 2008. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

3291S.01P

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## AN ACT

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

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*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Section A. Section 650.100, RSMo, is repealed and two new sections  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**

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

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**  
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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