

1 to the Sex Offenders Registration Act or the Mary Rippy Violent
2 Crime Offenders Registration Act, and subject to the availability of
3 funds, of individuals convicted of a misdemeanor offense of assault
4 and battery, domestic abuse, stalking, possession of a controlled
5 substance prohibited under Schedule IV of the Uniform Controlled
6 Dangerous Substances Act, outraging public decency, resisting
7 arrest, escape or attempting to escape, eluding a police officer,
8 peeping tom, pointing a firearm, unlawful carry of a firearm,
9 illegal transport of a firearm, discharging of a firearm,
10 threatening an act of violence, breaking and entering a dwelling
11 place, destruction of property, negligent homicide, or causing a
12 personal injury accident while driving under the influence of any
13 intoxicating substance, or, upon arrest, any alien unlawfully
14 present under federal immigration law. The purpose of this database
15 is the detection or exclusion of individuals who are subjects of the
16 investigation or prosecution of sex-related crimes, violent crimes,
17 or other crimes in which biological evidence is recovered, and such
18 information shall be used for no other purpose.

19 B. Any DNA specimen taken in good faith by the Department of
20 Corrections, its employees or contractors, or the county sheriff,
21 its employees or contractors, and submitted to the OSBI may be
22 included, maintained, and kept by the OSBI in a database for
23 criminal investigative purposes despite the specimen having not been
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1 taken in strict compliance with the provisions of this section or
2 Section 991a of Title 22 of the Oklahoma Statutes.

3 C. Upon the request to OSBI by the federal or state authority
4 having custody of the person, any individual who was convicted of
5 violating laws of another state or the federal government, but is
6 currently incarcerated or residing in Oklahoma, shall submit to DNA
7 profiling for entry of the data into the OSBI DNA Offender Database.
8 This provision shall only apply when such federal or state
9 conviction carries a requirement of sex offender registration and/or
10 DNA profiling. The person to be profiled shall pay a fee of One
11 Hundred Fifty Dollars (\$150.00) to the OSBI.

12 D. The OSBI Combined DNA Index System (CODIS) Database is
13 specifically exempt from any statute requiring disclosure of
14 information to the public. The information contained in the
15 database is privileged from discovery and inadmissible as evidence
16 in any civil court proceeding. The information in the database is
17 confidential and shall not be released to the public. Any person
18 charged with the custody and dissemination of information from the
19 database shall not divulge or disclose any such information except
20 to federal, state, county or municipal law enforcement or criminal
21 justice agencies. Any person violating the provisions of this
22 section upon conviction shall be deemed guilty of a misdemeanor
23 punishable by imprisonment in the county jail for not more than one
24 (1) year.

1 E. The OSBI shall promulgate rules concerning the collection,
2 storing, expungement and dissemination of information and samples
3 for the OSBI Combined DNA Index System (CODIS) Database. The OSBI
4 shall determine the type of equipment, collection procedures, and
5 reporting documentation to be used by the Department of Corrections
6 ~~or a~~, county sheriff's office or personnel of the Office of the
7 Chief Medical Examiner in submitting DNA samples to the OSBI in
8 accordance with Section 991a of Title 22 of the Oklahoma Statutes.
9 The OSBI shall provide training to designated employees of the
10 Department of Corrections ~~and a~~, county sheriff's office or
11 personnel of the Office of the Chief Medical Examiner in the proper
12 methods of performing the duties required by this section.

13 F. The OSBI Combined DNA Index System (CODIS) Database may
14 include secondary databases and indexes including, but not limited
15 to:

- 16 1. Forensic index database consisting of unknown evidence
17 samples;
- 18 2. Suspect index database consisting of samples taken from
19 individuals as a result of criminal investigations;
- 20 3. Convicted offender index database authorized pursuant to
21 subsection A of this section; ~~and~~
- 22 4. Missing persons and unidentified remains index or database
23 consisting of DNA profiles from unidentified remains and relatives
24 of missing persons; and

1 5. Deceased persons index consisting of samples taken from
2 individuals who have been received by the Office of the Chief
3 Medical Examiner of the State of Oklahoma.

4 G. Any person convicted of a felony offense who is in custody
5 shall provide a blood or saliva sample prior to release. Subject to
6 the availability of funds, any person convicted of a misdemeanor
7 offense of assault and battery, domestic abuse, stalking, possession
8 of a controlled substance prohibited under Schedule IV of the
9 Uniform Controlled Dangerous Substances Act, outraging public
10 decency, resisting arrest, escape or attempting to escape, eluding a
11 police officer, peeping tom, pointing a firearm, unlawful carry of a
12 firearm, illegal transport of a firearm, discharging of a firearm,
13 threatening an act of violence, breaking and entering a dwelling
14 place, destruction of property, negligent homicide, or causing a
15 personal injury incident while driving under the influence of any
16 intoxicating substance who is in custody shall provide a blood or
17 saliva sample prior to release. Every person who is convicted of a
18 felony offense whose sentence does not include a term of
19 incarceration shall provide a blood or saliva sample as a condition
20 of sentence. Subject to the availability of funds, every person who
21 is convicted of a misdemeanor offense of assault and battery,
22 domestic abuse, stalking, possession of a controlled substance
23 prohibited under Schedule IV of the Uniform Controlled Dangerous
24 Substances Act, outraging public decency, resisting arrest, escape

1 or attempting to escape, eluding a police officer, peeping tom,
2 pointing a firearm, unlawful carry of a firearm, illegal transport
3 of a firearm, discharging of a firearm, threatening an act of
4 violence, breaking and entering a dwelling place, destruction of
5 property, negligent homicide, or causing a personal injury accident
6 while driving under the influence of any intoxicating substance
7 whose sentence does not include a term of incarceration shall
8 provide a blood or saliva sample as a condition of sentence.

9 SECTION 2. This act shall become effective November 1, 2015.

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11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/19/2015 -
12 DO PASS, As Coauthored.

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