

## SENATE BILL No. 272

By Senator Feleciano

2-7

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AN ACT concerning crimes, criminal procedure and punishment; relating to collection of DNA specimens; amending K.S.A. 2000 Supp. 21-2511 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2000 Supp. 21-2511 is hereby amended to read as follows: 21-2511. (a) Any person convicted as an adult or adjudicated as a juvenile offender because of the commission of any ~~offense which requires such person to register as an offender pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., or felony~~; a violation of subsection (a)(1) of K.S.A. 21-3505, *and amendments thereto*; a violation of K.S.A. 21-3508, ~~21-3602 or 21-3609~~ and amendments thereto; *and a violation of K.S.A. 21-3517, and amendments thereto; a violation of K.S.A. 21-3424, and amendments thereto, when the victim is less than 18 years of age; or a violation of K.S.A. 21-3507, and amendments thereto, a violation of subsection (b)(1) of K.S.A. 21-3513, and amendments thereto, or a violation of K.S.A. 21-3515, and amendments thereto, when one of the parties involved is less than 18 years of age*; including an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of any such offenses provided in this subsection regardless of the sentence imposed, shall be required to submit specimens of blood and saliva to the Kansas bureau of investigation in accordance with the provisions of this act, if such person is:

(1) Convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act;

(2) ordered institutionalized as a result of being convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act; or

(3) convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in this subsection before the effective date of this act and is presently confined as a result of such conviction or adjudication in any state correctional facility or county jail or is presently serving a sentence under K.S.A. 21-4603, 22-3717 or 38-1663, and amendments thereto.

1 (b) Notwithstanding any other provision of law, the Kansas bureau of  
2 investigation is authorized to obtain fingerprints and other identifiers for  
3 all persons, whether juveniles or adults, covered by this act.

4 (c) Any person required by paragraphs (a)(1) and (a)(2) to provide  
5 specimens of blood and saliva shall be ordered by the court to have spec-  
6 imens of blood and saliva collected within 10 days after sentencing or  
7 adjudication:

8 (1) If placed directly on probation, that person must provide speci-  
9 mens of blood and saliva, at a collection site designated by the Kansas  
10 bureau of investigation. Failure to cooperate with the collection of the  
11 specimens and any deliberate act by that person intended to impede,  
12 delay or stop the collection of the specimens shall be punishable as con-  
13 tempt of court and constitute grounds to revoke probation;

14 (2) if sentenced to the secretary of corrections, the specimens of  
15 blood and saliva will be obtained immediately upon arrival at the Topeka  
16 correctional facility; or

17 (3) if a juvenile offender is placed in the custody of the commissioner  
18 of juvenile justice, in a youth residential facility or in a juvenile correc-  
19 tional facility, the specimens of blood and saliva will be obtained imme-  
20 diately upon arrival.

21 (d) Any person required by paragraph (a)(3) to provide specimens of  
22 blood and saliva shall be required to provide such samples prior to final  
23 discharge or conditional release at a collection site designated by the  
24 Kansas bureau of investigation.

25 (e) The Kansas bureau of investigation shall provide all specimen vi-  
26 als, mailing tubes, labels and instructions necessary for the collection of  
27 blood and saliva samples. The collection of samples shall be performed  
28 in a medically approved manner. No person authorized by this section to  
29 withdraw blood and collect saliva, and no person assisting in the collection  
30 of these samples shall be liable in any civil or criminal action when the  
31 act is performed in a reasonable manner according to generally accepted  
32 medical practices. The withdrawal of blood for purposes of this act may  
33 be performed only by: (1) A person licensed to practice medicine and  
34 surgery or a person acting under the supervision of any such licensed  
35 person; (2) a registered nurse or a licensed practical nurse; or (3) any  
36 qualified medical technician including, but not limited to, an emergency  
37 medical technician-intermediate or mobile intensive care technician, as  
38 those terms are defined in K.S.A. 65-6112, and amendments thereto, or  
39 a phlebotomist. The samples shall thereafter be forwarded to the Kansas  
40 bureau of investigation for analysis and categorizing into genetic marker  
41 groupings.

42 (f) The genetic marker groupings shall be maintained by the Kansas  
43 bureau of investigation. The Kansas bureau of investigation shall establish,

1 implement and maintain a statewide automated personal identification  
2 system capable of, but not limited to, classifying, matching and storing  
3 analysis of DNA (deoxyribonucleic acid) and other biological molecules.  
4 The genetic marker grouping analysis information and identification sys-  
5 tem as established by this act shall be compatible with the procedures  
6 specified by the federal bureau of investigation's combined DNA index  
7 system (CODIS). The Kansas bureau of investigation may participate in  
8 the CODIS program by sharing data and utilizing compatible test pro-  
9 cedures, laboratory equipment, supplies and computer software.

10 (g) The genetic marker grouping analysis information obtained pur-  
11 suant to this act shall be confidential and shall be released only to law  
12 enforcement officers of the United States, of other states or territories,  
13 of the insular possessions of the United States, or foreign countries duly  
14 authorized to receive the same, to all law enforcement officers of the state  
15 of Kansas and to all prosecutor's agencies.

16 (h) The Kansas bureau of investigation shall be the state central re-  
17 pository for all genetic marker grouping analysis information obtained  
18 pursuant to this act. The Kansas bureau of investigation may promulgate  
19 rules and regulations for the form and manner of the collection of blood  
20 and saliva samples and other procedures for the operation of this act. The  
21 provisions of the Kansas administrative procedure act shall apply to all  
22 actions taken under the rules and regulations so promulgated.

23 Sec. 2. K.S.A. 2000 Supp. 21-2511 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its  
25 publication in the statute book.

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