

H. B. 2539

(By Delegates Frazier, Miley, Brown, Caputo,
Ellem, Hamilton, Longstreth, Moore and Sobonya)

[Introduced January 18, 2011; referred to the
Committee on the Judiciary.]

**Interim
Bill**

A BILL to amend and reenact §15-2B-3 and §15-2B-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing the West Virginia State Police to only use the services of the state designated laboratory at the Marshall University Forensic Science Center for DNA typing, testing and research in support of the national DNA database, CODIS, and for forensic DNA testing.

Be it enacted by the Legislature of West Virginia:

That §15-2B-3 and §15-2B-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2B. DNA DATA.

§15-2B-3. Definitions.

As used in this article the following terms mean:

(a) "CODIS" means the Combined DNA Index System, the national DNA database, established and funded by the FBI, and developed

1 specifically to enable public forensic DNA laboratories to create
2 searchable DNA databases of authorized DNA profiles.

3 ~~(a)~~ (b) "DNA" means deoxyribonucleic acid. DNA is located in
4 the nucleus of cells and provides an individual's personal genetic
5 blueprint. DNA encodes genetic information that is the basis of
6 human heredity and forensic identification.

7 ~~(b)~~ (c) "DNA record" means DNA identification information
8 stored in any state DNA database pursuant to this article. The DNA
9 record is the result obtained from DNA typing tests. The DNA
10 record is comprised of the characteristics of a DNA sample which
11 are of value in establishing the identity of individuals. The
12 results of all DNA identification tests on an individual's DNA
13 sample are also included as a "DNA record".

14 ~~(c)~~ (d) "DNA sample" means a tissue, fluid or other bodily
15 sample suitable for testing, provided pursuant to this article or
16 submitted to the division laboratory for analysis pursuant to a
17 criminal investigation.

18 ~~(d)~~ (e) "Division" means the West Virginia State Police.

19 ~~(d)~~ (f) "FBI" means the Federal Bureau of Investigation.

20 ~~(e)~~ (g) "State DNA database" means all DNA identification
21 records included in the system administered by the West Virginia
22 State Police.

23 ~~(f)~~ (h) "State DNA databank" means the repository of DNA
24 samples collected under the provisions of this article.

1 ~~(g) "Division" means the West Virginia state police.~~

2 **§15-2B-5. Authority of division to enter into cooperative**
3 **agreements.**

4 The division may enter into cooperative agreements with public
5 or private agencies or entities to provide ~~any~~ a service or
6 facility associated with the administration of the DNA database and
7 databank. ~~Provided, That the division is authorized only to~~
8 ~~contract services and/or facilities for DNA typing, testing and~~
9 ~~research with Marshall University.~~ For purposes of DNA typing,
10 testing and research, the division may only use the services of the
11 state designated laboratory at the Marshall University Forensic
12 Science Center in support of CODIS and forensic DNA testing.

NOTE: The purpose of this bill is to establish the Marshall University Forensic Science Center as the state designated laboratory for DNA typing, testing and research in support of CODIS and forensic DNA testing.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.

This bill was recommended for introduction and passage during the 2011 Regular Session of the Legislature by the Joint Standing Committee on the Judiciary.