
SENATE BILL 5253

State of Washington

64th Legislature

2015 Regular Session

By Senator Darneille

1 AN ACT Relating to preservation of DNA work product; and adding a
2 new chapter to Title 5 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) In any felony case involving a violent
5 or sex offense as defined in RCW 9.94A.030, a governmental entity
6 shall preserve any DNA work product that has been secured in
7 connection with the criminal case. The DNA work product must be
8 maintained throughout the length of the sentence, including any
9 period of community custody extending through final discharge, or
10 throughout the period of the statute of limitations pursuant to RCW
11 9A.04.080, whichever comes later.

12 (2) For purposes of this section:

13 (a) "DNA work product":

14 (i) Means any material catalogued on a microscope slide, swab, in
15 a test tube, cutting, DNA extract, or another, similar retention
16 method used to isolate potential biological evidence that has been
17 collected by law enforcement as part of an investigation and prepared
18 for scientific analysis, whether or not it is submitted for
19 scientific analysis, including any product generated during the
20 process of scientific analysis of such material, and derived from:

21 (A) The contents of a sexual assault examination kit;

1 (B) Blood;
2 (C) Semen;
3 (D) Hair;
4 (E) Saliva;
5 (F) Skin tissue;
6 (G) Fingerprints;
7 (H) Bones;
8 (I) Teeth; or
9 (J) Any other identifiable human biological material or physical
10 evidence; and

11 (ii) Only includes products submitted by the investigating
12 general law enforcement agency and does not include any products
13 generated by a crime laboratory during the process of scientific
14 analysis of such material.

15 (b) "Governmental entity" means any general law enforcement
16 agency or any person or organization officially acting on behalf of
17 the state or any political subdivision of the state involved in the
18 collection, examination, tracking, packaging, storing, or disposition
19 of biological material collected in connection with a criminal
20 investigation relating to a felony offense.

21 (3) If a court finds that DNA work product was destroyed
22 intentionally to violate this section, the court may impose
23 appropriate sanctions. The court may not order the reversal of a
24 conviction under this section on the sole grounds that the DNA work
25 product is no longer available.

26 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
27 chapter in Title 5 RCW.

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