
SENATE BILL 6366

State of Washington

64th Legislature

2016 Regular Session

By Senators Darneille, Fain, Fraser, Miloscia, Cleveland, O'Ban, Mullet, Keiser, Conway, and Chase

Read first time 01/18/16. Referred to Committee on Law & Justice.

1 AN ACT Relating to submission of DNA markers to a database
2 accessible only to qualified laboratory personnel; amending RCW
3 43.43.753, 43.43.735, 43.43.740, 43.43.754, 46.63.110, 43.43.690, and
4 43.43.759; adding new sections to chapter 43.43 RCW; adding a new
5 section to chapter 70.48 RCW; creating a new section; and prescribing
6 penalties.

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

8 NEW SECTION. **Sec. 1.** The legislature finds there is a critical
9 need to provide law enforcement officers and agencies with the latest
10 scientific technology available for accurately and expeditiously
11 identifying and prosecuting adult felony offenders.

12 Although every state maintains a DNA database for felony
13 convictions, there is a growing trend toward expanding DNA databases
14 to include DNA from felony arrestees. To date, thirty states and the
15 federal government have already enacted such laws.

16 Studies in other jurisdictions indicate that collection of DNA
17 for the purpose of identifying arrestees may contribute to the
18 solution of cold cases, save lives by identifying recidivist
19 offenders, reduce rates of criminality, and increase the rate of
20 successful prosecutions. For example, since 2003, the Virginia
21 database of arrestee DNA has yielded over six hundred hits to DNA

1 collected from crime scenes, ninety-nine of which were associated
2 with sexual assault cases.

3 The legislature further finds that collecting DNA from arrestees
4 for crimes against persons as defined in RCW 9.94A.411, residential
5 burglary, or assault in the fourth degree is cost-effective. Early
6 identification of offenders reduces costs by focusing investigations
7 and eliminating suspects. It may also prevent costs associated with
8 recidivist offenders. In a study sponsored by the United States
9 department of justice, the city of Denver found that DNA testing of
10 arrestees reduced police expenses and prevented property loss,
11 resulting in a ninety dollar return on investment for every dollar
12 spent on forensic DNA.

13 Further, DNA samples are collected, analyzed, and stored in a way
14 that only minimally impacts privacy concerns. The sample, typically
15 collected via oral swab, is analyzed only with regard to forensic
16 loci, a small percentage of an individual's genetic code, which
17 allows identification but does not reveal genetic information, other
18 than gender. Arrestee samples will not be analyzed unless a probable
19 cause determination has been made. Once analyzed, the profile is
20 stored without any personally identifying information, only a sample
21 number and agency identifiers. The DNA profile and sample is
22 accessible only to qualified laboratory personnel. If a hit is made
23 between a stored sample and the forensic profile developed from a
24 crime scene, the laboratory will notify the submitting law
25 enforcement agency, which follows certain procedures to confirm the
26 hit. Innocent individuals are further protected through expungement
27 procedures, which provide for automatic destruction of the sample if
28 the individual is not charged with a qualifying offense or is found
29 not guilty or acquitted.

30 The legislature therefore finds that collecting DNA from adults
31 arrested for a crime against persons as defined in RCW 9.94A.411,
32 residential burglary, or assault in the fourth degree is a necessary
33 and minimally intrusive way to identify arrestees in order to solve
34 cold cases, prevent recidivist acts, and lower the cost of criminal
35 investigations.

36 **Sec. 2.** RCW 43.43.753 and 2008 c 97 s 1 are each amended to read
37 as follows:

38 The legislature finds that recent developments in molecular
39 biology and genetics have important applications for forensic

1 science. It has been scientifically established that there is a
2 unique pattern to the chemical structure of the deoxyribonucleic acid
3 (DNA) contained in each cell of the human body. The process for
4 identifying this pattern is called "DNA identification."

5 The legislature further finds that DNA databases are important
6 tools in criminal investigations, in the exclusion of individuals who
7 are the subject of investigations or prosecutions, and in detecting
8 recidivist acts. It is the policy of this state to assist federal,
9 state, and local criminal justice and law enforcement agencies in
10 both the identification and detection of individuals in criminal
11 investigations and the identification and location of missing and
12 unidentified persons. Therefore, it is in the best interest of the
13 state to establish a DNA database (~~(and DNA data bank)~~) containing
14 DNA samples submitted by persons convicted of felony offenses and
15 other crimes (~~(as specified in RCW 43.43.754)~~), as well as by adults
16 charged with a crime against persons as defined in RCW 9.94A.411,
17 residential burglary, or assault in the fourth degree. DNA samples
18 necessary for the identification of missing persons and unidentified
19 human remains shall also be included in the DNA database.

20 The legislature further finds that the DNA identification system
21 used by the federal bureau of investigation and the Washington state
22 patrol has no ability to predict genetic disease or predisposal to
23 illness. Nonetheless, the legislature intends that biological samples
24 collected under RCW 43.43.735 and 43.43.754, and DNA identification
25 data obtained from the samples, be used only for purposes related to
26 criminal investigation, identification of human remains or missing
27 persons, or improving the operation of the system authorized under
28 RCW 43.43.735 and 43.43.752 through (~~(43.43.758)~~) 43.43.759 and
29 sections 6 and 7 of this act.

30 The legislature further finds that the DNA collection, testing,
31 and storage process is minimally invasive to privacy based on the
32 following features:

33 (1) Biological samples for DNA testing are routinely collected by
34 an oral swab as part of the legitimate police identification
35 procedure;

36 (2) A DNA profile is stored in a database accessible only to
37 qualified laboratory personnel and does not appear in an individual's
38 criminal history record;

1 (3) Entries in the DNA database contain only DNA markers
2 necessary to human identification, which are a small part of a
3 person's total genetic information; and

4 (4) Personally identifying information does not appear in the DNA
5 database.

6 **Sec. 3.** RCW 43.43.735 and 2009 c 549 s 5130 are each amended to
7 read as follows:

8 (1) It shall be the duty of the sheriff or director of public
9 safety of every county, and the chief of police of every city or
10 town, and of every chief officer of other law enforcement agencies
11 duly operating within this state, to cause the photographing and
12 fingerprinting of all adults and juveniles lawfully arrested for the
13 commission of any criminal offense constituting a felony or gross
14 misdemeanor. (a) When such juveniles are brought directly to a
15 juvenile detention facility, the juvenile court administrator is also
16 authorized, but not required, to cause the photographing,
17 fingerprinting, and record transmittal to the appropriate law
18 enforcement agency; and (b) a further exception may be made when the
19 arrest is for a violation punishable as a gross misdemeanor and the
20 arrested person is not taken into custody.

21 (2) It shall be the right, but not the duty, of the sheriff or
22 director of public safety of every county, and the chief of police of
23 every city or town, and every chief officer of other law enforcement
24 agencies operating within this state to photograph and record the
25 fingerprints of all adults lawfully arrested.

26 (3) Such sheriffs, directors of public safety, chiefs of police,
27 and other chief law enforcement officers, may record, in addition to
28 photographs and fingerprints, the palmprints, soleprints, toeprints,
29 or any other identification data of all persons whose photograph and
30 fingerprints are required or allowed to be taken under this section
31 when in the discretion of such law enforcement officers it is
32 necessary for proper identification of the arrested person or the
33 investigation of the crime with which he or she is charged.

34 (4)(a) Beginning July 1, 2017, it shall be the duty of the
35 sheriff or director of public safety of every county, and the chief
36 of police of every city or town, and of every chief officer of other
37 law enforcement agencies duly operating within this state, to cause
38 the collection of biological samples for DNA identification analysis
39 from all adults lawfully arrested for the commission of a crime

1 against persons as defined in RCW 9.94A.411, residential burglary, or
2 assault in the fourth degree.

3 (b) From January 1, 2017, through June 30, 2017, it shall be the
4 right, but not the duty, of the sheriff or director of public safety
5 of every county, and the chief of police of every city or town, and
6 every chief officer of other law enforcement agencies operating
7 within this state, to cause the collection of biological samples for
8 DNA identification analysis from all adults lawfully arrested for the
9 commission of a crime against persons as defined in RCW 9.94A.411,
10 residential burglary, or assault in the fourth degree.

11 (c) Biological samples collected under this subsection shall be:

12 (i) Collected using the same technique as biological samples
13 collected under RCW 43.43.754; and

14 (ii) Forwarded to the forensic laboratory services bureau of the
15 Washington state patrol following arraignment for a qualifying
16 offense.

17 (d) The forensic laboratory services bureau shall provide kits
18 and instructions necessary for the collection of biological samples
19 required by this section.

20 **Sec. 4.** RCW 43.43.740 and 2006 c 294 s 7 are each amended to
21 read as follows:

22 (1) It shall be the duty of the sheriff or director of public
23 safety of every county, and the chief of police of every city or
24 town, and of every chief officer of other law enforcement agencies
25 duly operating within this state to furnish within seventy-two hours
26 from the time of arrest to the section the required sets of
27 fingerprints together with other identifying data as may be
28 prescribed by the chief, of any person lawfully arrested,
29 fingerprinted, and photographed pursuant to RCW 43.43.735.

30 (2) Law enforcement agencies may retain and file copies of the
31 fingerprints, photographs, and other identifying data and information
32 obtained pursuant to RCW 43.43.735, except biological samples. Said
33 records shall remain in the possession of the law enforcement agency
34 as part of the identification record and are not returnable to the
35 subjects thereof.

36 **Sec. 5.** RCW 43.43.754 and 2015 c 261 s 10 are each amended to
37 read as follows:

1 (1) A biological sample must be collected for purposes of DNA
2 identification analysis from:

3 (a) Every adult or juvenile individual convicted of a felony, or
4 any of the following crimes (or equivalent juvenile offenses):

5 Assault in the fourth degree with sexual motivation (RCW
6 9A.36.041, 9.94A.835)

7 Communication with a minor for immoral purposes (RCW 9.68A.090)

8 Custodial sexual misconduct in the second degree (RCW 9A.44.170)

9 Failure to register (RCW 9A.44.130 for persons convicted on or
10 before June 10, 2010, and RCW 9A.44.132 for persons convicted after
11 June 10, 2010)

12 Harassment (RCW 9A.46.020)

13 Patronizing a prostitute (RCW 9A.88.110)

14 Sexual misconduct with a minor in the second degree (RCW
15 9A.44.096)

16 Stalking (RCW 9A.46.110)

17 Violation of a sexual assault protection order granted under
18 chapter 7.90 RCW; (~~and~~)

19 (b) Every adult or juvenile individual who is required to
20 register under RCW 9A.44.130; and

21 (c) Every adult lawfully arrested for a crime against persons as
22 defined in RCW 9.94A.411, residential burglary, or assault in the
23 fourth degree.

24 (2) If the Washington state patrol crime laboratory already has a
25 DNA sample from an individual for a qualifying offense, a subsequent
26 submission is not required to be submitted.

27 (3) Biological samples shall be collected in the following
28 manner:

29 (a) For persons convicted of any offense listed in subsection
30 (1)(a) of this section or adjudicated guilty of an equivalent
31 juvenile offense who do not serve a term of confinement in a
32 department of corrections facility, and do serve a term of
33 confinement in a city or county jail facility, the city or county
34 shall be responsible for obtaining the biological samples at the time
35 of transfer to the facility.

36 (b) The local police department or sheriff's office shall be
37 responsible for obtaining the biological samples for:

38 (i) Persons convicted of any offense listed in subsection (1)(a)
39 of this section or adjudicated guilty of an equivalent juvenile
40 offense who do not serve a term of confinement in a department of

1 corrections facility, and do not serve a term of confinement in a
2 city or county jail facility; and

3 (ii) Persons who are required to register under RCW 9A.44.130.

4 (c) For persons convicted of any offense listed in subsection
5 (1)(a) of this section or adjudicated guilty of an equivalent
6 juvenile offense, who are serving or who are to serve a term of
7 confinement in a department of corrections facility or a department
8 of social and health services facility, the facility holding the
9 person shall be responsible for obtaining the biological samples at
10 the time of transfer to the facility. For those persons incarcerated
11 before June 12, 2008, who have not yet had a biological sample
12 collected, priority shall be given to those persons who will be
13 released the soonest.

14 (d)(i) For adults lawfully arrested for a crime against persons
15 as defined in RCW 9.94A.411, residential burglary, or assault in the
16 fourth degree, the city or county jail shall obtain a biological
17 sample prior to the person's release. The jail shall provide the
18 person with notice of the rights to expungement and destruction as
19 required by section 7 of this act.

20 (ii) The biological sample shall be retained by the city or
21 county jail until the arrestee is arraigned for a qualifying offense.
22 Following the arraignment, the sample must be submitted to the
23 forensic laboratory services bureau in a sealed envelope. If the
24 arrestee is not arraigned for a qualifying offense, the envelope and
25 sample must be immediately destroyed and notice must be provided to
26 the person and defense counsel.

27 (4) Any biological sample taken pursuant to RCW 43.43.735 and
28 43.43.752 through ((43.43.758)) 43.43.759 and sections 6 and 7 of
29 this act may be retained by the forensic laboratory services bureau,
30 and shall be analyzed by the forensic laboratory services bureau
31 unless a complete DNA profile for the person has previously been
32 entered in the DNA database.

33 (5) Any biological sample taken pursuant to RCW 43.43.735 and
34 43.43.752 through 43.43.759 and sections 6 and 7 of this act shall be
35 used solely for the purpose of providing DNA or other tests for
36 identification analysis and prosecution of a criminal offense or for
37 the identification of human remains or missing persons. Nothing in
38 this section prohibits the submission of results derived from the
39 biological samples to the federal bureau of investigation combined
40 DNA index system.

1 ~~((+5))~~ (6) The forensic laboratory services bureau of the
2 Washington state patrol is responsible for testing performed on all
3 biological samples that are collected under subsection (1) of this
4 section, to the extent allowed by funding available for this
5 purpose~~((. The director shall give priority to testing on samples~~
6 ~~collected from those adults or juveniles convicted of a felony or~~
7 ~~adjudicated guilty of an equivalent juvenile offense that is defined~~
8 ~~as a sex offense or a violent offense in RCW 9.94A.030))~~, except as
9 described in subsection (3)(d)(ii) of this section. Known duplicate
10 samples may be excluded from testing unless testing is deemed
11 necessary or advisable by the director.

12 ~~((+6))~~ (7) This section applies to:

13 (a) All adults and juveniles to whom this section applied prior
14 to June 12, 2008;

15 (b) All adults and juveniles to whom this section did not apply
16 prior to June 12, 2008, who:

17 (i) Are convicted on or after June 12, 2008, of an offense listed
18 in subsection (1)(a) of this section; or

19 (ii) Were convicted prior to June 12, 2008, of an offense listed
20 in subsection (1)(a) of this section and are still incarcerated on or
21 after June 12, 2008; ~~((and))~~

22 (c) All adults and juveniles who are required to register under
23 RCW ~~((9A.44.130))~~ 9A.44.132 on or after June 12, 2008, whether
24 convicted before, on, or after June 12, 2008; and

25 (d) All adults lawfully arrested for a crime against persons as
26 defined in RCW 9.94A.411, residential burglary, or assault in the
27 fourth degree, on or after January 1, 2017.

28 ~~((+7))~~ (8)(a) Except as provided in (b) of this subsection, this
29 section creates no rights in a third person. No cause of action may
30 be brought based upon the noncollection or nonanalysis or the delayed
31 collection or analysis of a biological sample authorized to be taken
32 under RCW 43.43.735 or 43.43.752 through ~~((43.43.758))~~ 43.43.759 and
33 sections 6 and 7 of this act.

34 (b)(i) If the city or county jail negligently or willfully fails
35 to destroy a biological sample as required by subsection (3)(d)(ii)
36 of this section, the person from whom the jail facility obtained the
37 sample may bring an action against the city or county for actual
38 damages and reasonable attorneys' fees and costs.

39 (ii) If the forensic laboratory services bureau negligently or
40 willfully fails to destroy a biological sample as required by section

1 7 of this act, the person from whom the jail facility obtained the
2 sample may bring an action against the state for actual damages and
3 reasonable attorneys' fees and costs.

4 ~~((+8))~~ (9) The detention, arrest, or conviction of a person
5 based upon a database match or database information is not
6 invalidated if it is determined that the sample was obtained or
7 placed in the database by mistake, if the sample is subject to
8 expungement pursuant to this chapter, or if the conviction or
9 juvenile adjudication that resulted in the collection of the
10 biological sample was subsequently vacated or otherwise altered in
11 any future proceeding including but not limited to posttrial or
12 postfact-finding motions, appeals, or collateral attacks.

13 ~~((+9))~~ (10) A person commits the crime of refusal to provide DNA
14 if the person has a duty to register under RCW 9A.44.130 and the
15 person willfully refuses to comply with a legal request for a DNA
16 sample as required under this section. The refusal to provide DNA is
17 a gross misdemeanor.

18 NEW SECTION. Sec. 6. A new section is added to chapter 43.43
19 RCW to read as follows:

20 A person's sample and DNA records from the identification system
21 must be expunged by the city or county jail automatically within
22 sixty days if:

23 (1) The person is not charged with an offense requiring
24 collection of a biological sample under RCW 43.43.735 within one year
25 of arrest; or

26 (2) The person has been found not guilty or has been acquitted of
27 an offense requiring collection of a biological sample under RCW
28 43.43.735.

29 NEW SECTION. Sec. 7. A new section is added to chapter 43.43
30 RCW to read as follows:

31 (1) A person may request expungement of the person's sample and
32 DNA records from the DNA identification system if the underlying
33 conviction or adjudication requiring collection of a biological
34 sample under RCW 43.43.754 has been reversed and the case dismissed.

35 (2) To request expungement, the person must submit the following
36 documents to the forensic laboratory services bureau:

37 (a) A written request for expungement; and

1 (b) A certified copy of a final court order reversing the
2 conviction that required collection of a biological sample under RCW
3 43.43.754.

4 (3)(a) Once the forensic laboratory services bureau has received
5 the documents required by subsection (2) of this section, the
6 forensic laboratory services bureau shall expunge the person's sample
7 and DNA records from the DNA identification system.

8 (b) The forensic laboratory services bureau may not expunge a
9 person's sample and DNA records from the DNA identification system if
10 the person has a prior conviction or a pending charge for which
11 collection of a sample is authorized under RCW 43.43.735 or
12 43.43.754.

13 (4) The forensic laboratory services bureau shall provide
14 information regarding the rights to expungement and destruction on
15 the Washington state patrol's official web site. The information must
16 include procedures for requesting expungement.

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 70.48
18 RCW to read as follows:

19 (1) The jail administrator or his or her designee or chief law
20 enforcement executive or his or her designee shall provide notice of
21 the requirements of RCW 43.43.735, 43.43.740, 43.43.754, and sections
22 6 and 7 of this act to jail staff who perform booking procedures and
23 other staff as appropriate.

24 (2) Jail staff shall provide a notice of the rights to
25 expungement and destruction to all adults arrested for a crime
26 against persons as defined in RCW 9.94A.411, residential burglary, or
27 assault in the fourth degree, at the time a biological sample for DNA
28 testing is taken. The notice must be in substantially the following
29 form:

30 "Washington law requires the collection of a biological sample
31 for DNA testing from all adults arrested for a crime against persons
32 as defined in RCW 9.94A.411, residential burglary, or assault in the
33 fourth degree. If you are charged with and arraigned for a qualifying
34 offense, the sample will be sent to the forensic laboratory services
35 bureau to be analyzed for inclusion in the DNA database. The city or
36 county jail will automatically destroy your DNA sample if: (1) You
37 are not charged with a qualifying offense within one year of your
38 arrest; or (2) you are found not guilty.

1 YOU HAVE A RIGHT TO REQUEST EXPUNGEMENT OF YOUR DNA SAMPLE AND
2 RECORDS IF YOUR CONVICTION IS REVERSED AND THE CASE DISMISSED. YOU
3 ALSO HAVE A RIGHT TO BRING SUIT IF THE LABORATORY FAILS TO DESTROY
4 YOUR BIOLOGICAL SAMPLE, AS REQUIRED BY RCW 43.43.754.

5 For more information regarding your rights to expungement and
6 destruction, see RCW 43.43.754 and sections 6 and 7 of this act."

7 **Sec. 9.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read
8 as follows:

9 (1) A person found to have committed a traffic infraction shall
10 be assessed a monetary penalty. No penalty may exceed two hundred and
11 fifty dollars for each offense unless authorized by this chapter or
12 title.

13 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
14 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
15 is five hundred dollars for each offense. No penalty assessed under
16 this subsection (2) may be reduced.

17 (3) The supreme court shall prescribe by rule a schedule of
18 monetary penalties for designated traffic infractions. This rule
19 shall also specify the conditions under which local courts may
20 exercise discretion in assessing fines and penalties for traffic
21 infractions. The legislature respectfully requests the supreme court
22 to adjust this schedule every two years for inflation.

23 (4) There shall be a penalty of twenty-five dollars for failure
24 to respond to a notice of traffic infraction except where the
25 infraction relates to parking as defined by local law, ordinance,
26 regulation, or resolution or failure to pay a monetary penalty
27 imposed pursuant to this chapter. A local legislative body may set a
28 monetary penalty not to exceed twenty-five dollars for failure to
29 respond to a notice of traffic infraction relating to parking as
30 defined by local law, ordinance, regulation, or resolution. The local
31 court, whether a municipal, police, or district court, shall impose
32 the monetary penalty set by the local legislative body.

33 (5) Monetary penalties provided for in chapter 46.70 RCW which
34 are civil in nature and penalties which may be assessed for
35 violations of chapter 46.44 RCW relating to size, weight, and load of
36 motor vehicles are not subject to the limitation on the amount of
37 monetary penalties which may be imposed pursuant to this chapter.

38 (6) Whenever a monetary penalty, fee, cost, assessment, or other
39 monetary obligation is imposed by a court under this chapter, it is

1 immediately payable and is enforceable as a civil judgment under
2 Title 6 RCW. If the court determines, in its discretion, that a
3 person is not able to pay a monetary obligation in full, and not more
4 than one year has passed since the later of July 1, 2005, or the date
5 the monetary obligation initially became due and payable, the court
6 shall enter into a payment plan with the person, unless the person
7 has previously been granted a payment plan with respect to the same
8 monetary obligation, or unless the person is in noncompliance of any
9 existing or prior payment plan, in which case the court may, at its
10 discretion, implement a payment plan. If the court has notified the
11 department that the person has failed to pay or comply and the person
12 has subsequently entered into a payment plan and made an initial
13 payment, the court shall notify the department that the infraction
14 has been adjudicated, and the department shall rescind any suspension
15 of the person's driver's license or driver's privilege based on
16 failure to respond to that infraction. "Payment plan," as used in
17 this section, means a plan that requires reasonable payments based on
18 the financial ability of the person to pay. The person may
19 voluntarily pay an amount at any time in addition to the payments
20 required under the payment plan.

21 (a) If a payment required to be made under the payment plan is
22 delinquent or the person fails to complete a community restitution
23 program on or before the time established under the payment plan,
24 unless the court determines good cause therefor and adjusts the
25 payment plan or the community restitution plan accordingly, the court
26 may refer the unpaid monetary penalty, fee, cost, assessment, or
27 other monetary obligation for civil enforcement until all monetary
28 obligations, including those imposed under subsections (3) and (4) of
29 this section, have been paid, and court authorized community
30 restitution has been completed, or until the court has entered into a
31 new time payment or community restitution agreement with the person.
32 For those infractions subject to suspension under RCW 46.20.289, the
33 court shall notify the department of the person's failure to meet the
34 conditions of the plan, and the department shall suspend the person's
35 driver's license or driving privileges.

36 (b) If a person has not entered into a payment plan with the
37 court and has not paid the monetary obligation in full on or before
38 the time established for payment, the court may refer the unpaid
39 monetary penalty, fee, cost, assessment, or other monetary obligation
40 to a collections agency until all monetary obligations have been

1 paid, including those imposed under subsections (3) and (4) of this
2 section, or until the person has entered into a payment plan under
3 this section. For those infractions subject to suspension under RCW
4 46.20.289, the court shall notify the department of the person's
5 delinquency, and the department shall suspend the person's driver's
6 license or driving privileges.

7 (c) If the payment plan is to be administered by the court, the
8 court may assess the person a reasonable administrative fee to be
9 wholly retained by the city or county with jurisdiction. The
10 administrative fee shall not exceed ten dollars per infraction or
11 twenty-five dollars per payment plan, whichever is less.

12 (d) Nothing in this section precludes a court from contracting
13 with outside entities to administer its payment plan system. When
14 outside entities are used for the administration of a payment plan,
15 the court may assess the person a reasonable fee for such
16 administrative services, which fee may be calculated on a periodic,
17 percentage, or other basis.

18 (e) If a court authorized community restitution program for
19 offenders is available in the jurisdiction, the court may allow
20 conversion of all or part of the monetary obligations due under this
21 section to court authorized community restitution in lieu of time
22 payments if the person is unable to make reasonable time payments.

23 (7) In addition to any other penalties imposed under this section
24 and not subject to the limitation of subsection (1) of this section,
25 a person found to have committed a traffic infraction shall be
26 assessed:

27 (a) A fee of five dollars per infraction. Under no circumstances
28 shall this fee be reduced or waived. Revenue from this fee shall be
29 forwarded to the state treasurer for deposit in the emergency medical
30 services and trauma care system trust account under RCW 70.168.040;

31 (b) A fee of ~~((ten))~~ nine dollars and fifty cents per infraction.
32 Under no circumstances shall this fee be reduced or waived. Revenue
33 from this fee shall be forwarded to the state treasurer for deposit
34 in the Washington auto theft prevention authority account; ~~((and))~~

35 (c) A fee of two dollars per infraction. Revenue from this fee
36 shall be forwarded to the state treasurer for deposit in the
37 traumatic brain injury account established in RCW 74.31.060; and

38 (d) A fee of fifty cents per infraction. Revenues from this fee
39 shall be forwarded to the state treasurer for deposit in the state
40 DNA database account established in RCW 43.43.7532.

1 (8)(a) In addition to any other penalties imposed under this
2 section and not subject to the limitation of subsection (1) of this
3 section, a person found to have committed a traffic infraction other
4 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
5 penalty of twenty dollars. The court may not reduce, waive, or
6 suspend the additional penalty unless the court finds the offender to
7 be indigent. If a court authorized community restitution program for
8 offenders is available in the jurisdiction, the court shall allow
9 offenders to offset all or a part of the penalty due under this
10 subsection (8) by participation in the court authorized community
11 restitution program.

12 (b) Eight dollars and fifty cents of the additional penalty under
13 (a) of this subsection shall be remitted to the state treasurer. The
14 remaining revenue from the additional penalty must be remitted under
15 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
16 under this subsection to the state treasurer must be deposited in the
17 state general fund. The balance of the revenue received by the county
18 or city treasurer under this subsection must be deposited into the
19 county or city current expense fund. Moneys retained by the city or
20 county under this subsection shall constitute reimbursement for any
21 liabilities under RCW 43.135.060.

22 (9) If a legal proceeding, such as garnishment, has commenced to
23 collect any delinquent amount owed by the person for any penalty
24 imposed by the court under this section, the court may, at its
25 discretion, enter into a payment plan.

26 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
27 hundred fifty dollars for the first violation; (b) five hundred
28 dollars for the second violation; and (c) seven hundred fifty dollars
29 for each violation thereafter.

30 **Sec. 10.** RCW 43.43.690 and 2015 c 265 s 30 are each amended to
31 read as follows:

32 (1) When an adult offender has been adjudged guilty of violating
33 any criminal statute of this state and a crime laboratory analysis
34 was performed by a state crime laboratory, in addition to any other
35 disposition, penalty, or fine imposed, the court shall levy a crime
36 laboratory analysis fee of one hundred dollars for each offense for
37 which the person was convicted. (~~Upon a verified petition by the~~
38 ~~person assessed the fee, the court may suspend payment of all or part~~

1 ~~of the fee if it finds that the person does not have the ability to~~
2 ~~pay))~~ The court may not suspend or defer payment of the fee.

3 (2) All crime laboratory analysis fees assessed under this
4 section shall be collected by the clerk of the court and forwarded to
5 the state general fund, to be used only for crime laboratories. The
6 clerk may retain five dollars to defray the costs of collecting the
7 fees.

8 **Sec. 11.** RCW 43.43.759 and 2002 c 289 s 3 are each amended to
9 read as follows:

10 The Washington state patrol shall consult with the forensic
11 investigations council and adopt rules to implement RCW 43.43.752
12 through 43.43.758 and sections 6 and 7 of this act. The rules shall
13 prohibit the use of DNA identification data for any research or other
14 purpose that is not related to a criminal investigation, to the
15 identification of human remains or missing persons, or to improving
16 the operation of the system authorized by RCW 43.43.752 through
17 43.43.758 and sections 6 and 7 of this act. The rules must also
18 identify appropriate sources and collection methods for biological
19 samples needed for purposes of DNA identification analysis.

20 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.43
21 RCW to read as follows:

22 By January 1, 2018, and annually thereafter, and in compliance
23 with RCW 43.01.036, the forensic laboratory services bureau must
24 submit a report to the legislature and the governor on the status of
25 the statewide DNA database including:

26 (1) Statistical analysis of the racial demographics of
27 individuals arrested and those subsequently charged with crimes that
28 require DNA collection at the time of arrest;

29 (2) The number of DNA samples collected from individuals arrested
30 and the number subsequently charged with crimes that require DNA
31 collection at the time of arrest;

32 (3) The sufficiency of protocols and procedures adopted to
33 prevent the unlawful testing of DNA and ensure the expungement of DNA
34 as required; and

35 (4) A detailed analysis of the investigations aided by DNA
36 profiles that includes:

37 (a) The number of matches;

- 1 (b) The number of matches that resulted in investigation of the
2 person identified;
- 3 (c) The number of matches that resulted in formal charges;
- 4 (d) The number of matches that resulted in convictions;
- 5 (e) The number of matches that resulted in exonerations;
- 6 (f) The number of matches that resulted in convictions for
7 persons not already incarcerated; and
- 8 (g) The prior offenses for which a person has been convicted
9 where a match occurred.

10 NEW SECTION. **Sec. 13.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

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