

SENATE FILE NO. SF0123

Katie's law.

Sponsored by: Senator(s) Nutting and Hastert

A BILL

for

1 AN ACT relating to criminal procedure; providing for
2 collection of DNA for a person arrested for a felony;
3 providing conforming amendments; and providing for an
4 effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 7-19-403(a) and (b) and
9 7-19-405(a)(intro) and (ii) are amended to read:

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11 **7-19-403. DNA samples required; collection; testing;**
12 **reimbursement of costs.**

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14 (a) Every person arrested for a felony on or after
15 July 1, 2011, convicted of a felony on or after July 1,
16 1997, and every person who on or after July 1, 1997, is in
17 custody in this state as a result of a felony conviction

1 shall provide a DNA sample for analysis to determine
2 identification characteristics specific to the person. The
3 DNA record resulting from the DNA analysis shall be stored
4 and maintained by the division in the state DNA database.

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6 (b) DNA samples shall be collected in a medically
7 approved manner by a physician, registered nurse, qualified
8 clinical or laboratory technician or other person qualified
9 by training and experience. Persons authorized to draw or
10 collect DNA samples under this section shall not be civilly
11 liable for such acts when acting in a reasonable manner
12 according to generally accepted medical practices. DNA
13 samples required under this section for persons in custody
14 ~~on or after July 1, 1997,~~ shall be provided prior to
15 release from custody. DNA samples required under this
16 section for persons convicted ~~on or after July 1, 1997,~~ and
17 not sentenced to imprisonment shall be provided as a
18 condition of the sentence immediately after sentencing.

19 DNA samples required under this section for persons
20 arrested for a felony may be collected at any time after
21 the arrest of the person and shall be provided prior to the
22 release of the person. The division shall promulgate rules
23 and regulations governing the policies and procedures for
24 the collection of DNA samples and transfer of DNA samples

1 to the division. Criminal justice agencies having custody
2 of a person required to provide a DNA sample under this
3 section shall comply with rules and regulations of the
4 division relating to the collection of DNA samples and
5 transfer of such DNA samples for analysis.

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7 **7-19-405. Expungement of information.**

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9 (a) Any person whose DNA profile has been included in
10 the state DNA database pursuant to this act may request
11 expungement on the grounds the felony conviction or arrest
12 on which the authority for including the DNA profile was
13 based has been reversed and dismissed. The division shall
14 expunge all identifiable information and DNA records in the
15 state DNA database relating to the subject conviction from
16 the person upon receipt of:

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18 (ii) A certified copy of the court order
19 reversing and dismissing the conviction or providing for
20 expungement, a certified copy of the court order finding
21 the person not guilty of the offense for which DNA was
22 collected under this act or other information that the
23 division determines sufficient to show that the person will

1 not be prosecuted after an arrest for which DNA was
2 collected under this act.

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4 **Section 2.** This act is effective July 1, 2011

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(END)