

SENATE BILL NO. 1197

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Text to be added within a bill has been marked with Bold and Underline. Text to be removed has been marked with Strikethrough and Italic. How these codes are actually displayed will vary based on the browser software you are using.

This sentence is marked with bold and underline to show added text.

~~This sentence is marked with strikethrough and italic, indicating text to be removed.~~

Bill Status

S1197aa.....by JUDICIARY AND
RULES
DNA SAMPLES - Amends existing law to revise provisions applicable to
persons required to provide a DNA sample and thumbprint to the Idaho
State
Police.

03/14 Senate intro - 1st rdg - to printing

03/15 Rpt prt - to Jud

03/17 Rpt out - rec d/p - to 14th Ord

03/23 Rpt out amen - to engros

03/24 Rpt engros - 1st rdg - to 2nd rdg as amen

03/25 2nd rdg - to 3rd rdg as amen

Rls susp - PASSED - 34-0-0, 1 vacancy

AYES -- Andreason, Brandt, Broadsword, Bunderson, Burkett,
Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis,
Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough,

Langhorst,

Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce,

Richardson,

Schroeder, Stegner, Stennett, Sweet, Werk, Williams

NAYS -- None

Absent and excused -- (District 21 seat vacant)

Floor Sponsor- Kelly

Title apvd - to House

03/28 House intro - 1st rdg - to Jud

03/30 Rpt out - rec d/p - to 2nd rdg

03/31 2nd rdg - to 3rd rdg

Rls susp - PASSED - 69-0-1

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block, Boe, Bolz,

Bradford,

Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney,

Edmunson,

Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart,

Harwood,

Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour,

Loertscher,

Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker

NAYS -- None

Absent and excused -- Skippen

Floor Sponsor - Wills

Title apvd - to Senate

04/01 To enrol - Rpt enrol - Pres/Sp signed

04/04 To Governor

04/06 Governor signed

Session Law Chapter 327

Effective: 07/01/05 (Applicable to those convicted/pleading guilty to specified crimes after 7/1/05)

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]

Fifty-eighth Legislature First Regular Session -
2005

IN THE SENATE

SENATE BILL NO. 1197

BY JUDICIARY AND RULES COMMITTEE

1 AN ACT

2 RELATING TO OFFENDERS SUBJECT TO SAMPLE COLLECTION; AMENDING
SECTION 19-5506,

3 IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO PERSONS
REQUIRED TO PROVIDE

4 A DNA SAMPLE AND THUMBPRINT TO THE IDAHO STATE POLICE AND
TO MAKE TECHNICAL

5 CHANGES; PROVIDING AN EFFECTIVE DATE AND PROVIDING
APPLICATION.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 19-5506, Idaho Code, be, and the
same is hereby

8 amended to read as follows:

9 19-5506. SCOPE OF LAW -- OFFENDERS SUBJECT TO SAMPLE
COLLECTION -- EARLY

10 COLLECTION OF SAMPLES -- RESTITUTION. (1a) Any person,
including any juvenile

11 tried as an adult, who is convicted of, or pleads guilty to,
any of the fol-

12 lowing crimes, regardless of the form of judgment or
withheld judgment, and

13 regardless of the sentence imposed or disposition rendered,
shall be required

14 to provide to the Idaho state police, a DNA sample and a
right thumbprint

15 impression:

16 (a1) ~~Aggravated a~~Arson (sections 18-802, 18-803, 18-804
and 18-805, Idaho

17 Code);

18 (b2) Aggravated assault (section 18-905, Idaho Code);

19 (c3) Aggravated battery (section 18-907, Idaho Code);

20 (d4) Assault with the intent to commit a serious felony

(section 18-909,
21 Idaho Code);
22 (e5) Battery with the intent to commit a serious felony
(section 18-911,
23 Idaho Code);
24 (6) Felonious administering of drugs (sections 18-913
and 18-914, Idaho
25 Code);
26 (7) Assault or battery upon certain personnel
(section 18-915, Idaho
27 Code);
28 (8) Removing a firearm from a law enforcement officer
(section 18-915A,
29 Idaho Code);
30 (9) Propelling bodily fluid or waste (section 18-915B,
Idaho Code);
31 (~~10~~) Domestic violence (section 18-918, Idaho Code,
constituting a fel-
32 ony);
33 (~~11~~) Burglary (sections 18-1401 and 18-1405, Idaho
Code), except those
34 convictions in which the defendant entered a retail
mercantile establish-
35 ment and the offense took place when the victim was open
to the public for
36 business and the defendant committed a theft and his
actions did not con-
37 stitute grand theft as defined in chapter 24, title 18,
Idaho Code;
38 (~~12~~) Injury to a child (section 18-1501(1), Idaho Code);
39 (~~13~~) Sexual abuse of a child under the age of sixteen
years (section
40 18-1506, Idaho Code);
41 (14) Ritualized abuse of a child (section 18-1506A, Idaho
Code);
42 (~~15~~) Possession of sexually exploitive material for
other than a commer-
43 cial purpose (section 18-1507A, Idaho Code);

1 (~~16~~) Lewd conduct with minor child under sixteen (section
18-1508, Idaho

- 2 Code);
- 3 (~~117~~) Sexual battery of a minor child sixteen or
seventeen years of age
- 4 (section 18-1508A, Idaho Code);
- 5 (18) Enticing of children (sections 18-1509 and 18-1509A,
Idaho Code);
- 6 (19) Sale or barter of a child (section 18-1511, Idaho
Code);
- 7 (20) Possession of a controlled substance or dangerous
weapon (section
- 8 18-2511, Idaho Code);
- 9 (21) False reports of explosives (section 18-3313, Idaho
Code);
- 10 (22) Unlawful possession of a firearm (section 18-3316,
Idaho Code);
- 11 (23) Unlawful discharge of a firearm (section 18-3317,
Idaho Code);
- 12 (24) Unlawful possession or use of bombs or destructive
devices (sections
- 13 18-3319 and 18-3320, Idaho Code);
- 14 (25) Use of weapons of mass destruction (section 18-3322,
Idaho Code);
- 15 (~~m~~26) Murder, any degree (sections 18-4001 and 18-4003,
Idaho Code);
- 16 (~~n~~27) Manslaughter (sections 18-4006(1) or (2) and 18-
4007, Idaho Code);
- 17 (28) Administering poison with intent to kill (section
18-4014, Idaho
- 18 Code);
- 19 (29) Assault with intent to murder (section 18-4015, Idaho
Code);
- 20 (30) Indecent exposure (section 18-4116, Idaho Code);
- 21 (~~o~~31) Kidnapping, any degree (sections 18-4501 and 18-
4502, Idaho Code);
- 22 (32) Forest sabotage (section 18-4631, Idaho Code);
- 23 (~~p~~33) Mayhem (sections 18-5001 and 18-5002, Idaho Code);
- 24 (34) Cannibalism (section 18-5003, Idaho Code);
- 25 (35) Poisoning food, medicine or wells (section 18-5501,
Idaho Code);
- 26 (36) Interstate trafficking in prostitution (section 18-
5601, Idaho Code);
- 27 (37) Inducing a minor into prostitution (section 18-5609,
Idaho Code);

- 28 (~~q~~38) Rape (section 18-6101, Idaho Code);
- 29 (39) Male rape (sections 18-6108 and 18-6109, Idaho Code);
- 30 (40) Sexual contact with a prisoner (section 18-6110,
Idaho Code);
- 31 (41) Video voyeurism (section 18-6609, Idaho Code);
- 32 (~~r~~42) Robbery (section 18-6501, Idaho Code);
- 33 (~~s~~43) Incest (section 18-6602, Idaho Code);
- 34 (~~t~~44) Crime against nature (section 18-6605, Idaho Code);
- 35 (~~u~~45) Forcible sexual penetration (section 18-6608, Idaho
Code);
- 36 (46) Removal, destruction or burning of electric lines or
plants (sections
- 37 18-6803, 18-6804 and 18-6805, Idaho Code);
- 38 (47) Malicious injury to property (section 18-7001, Idaho
Code);
- 39 (48) Injuring dams, canals or other structures
(section 18-7019, Idaho
- 40 Code);
- 41 (49) Setting fire to underground workings of mines
(sections 18-7024 and
- 42 18-7025, Idaho Code);
- 43 (50) Sabotage (section 18-7026, Idaho Code);
- 44 (51) Aircraft hijacking (section 18-7501, Idaho Code);
- 45 (52) Assault with intent to commit aircraft hijacking
(section 18-7502,
- 46 Idaho Code);
- 47 (53) Threats made against airline passengers and other
persons, commercial
- 48 airline companies, or aircraft (section 18-7504, Idaho
Code);
- 49 (~~v~~54) Racketeering (section 18-7804, Idaho Code);
- 50 (55) Malicious harassment (sections 18-7902 and 18-7903,
Idaho Code);
- 51 (56) Stalking in the first degree (section 18-7905, Idaho
Code);
- 52 (57) Prohibited terrorist activities (section 18-8103,
Idaho Code);
- 53 (58) Providing material support to terrorists (section
18-8106, Idaho
- 54 Code);
- 55 (59) Prohibited employment of adult criminal sex
offenders (section

1 18-8327, Idaho Code);
2 (60) Prohibited acts relating to uniform controlled
substances (sections
3 37-2732, 37-2732B, 37-2734, 37-2737 and 37-2737A, Idaho
Code);
4 (~~w~~61) Transfer of body fluid which may contain the HIV
virus (section
5 39-608, Idaho Code);
6 (~~x~~62) Failure to register as sex offender (sections 18-
8304 and 18-8308,
7 Idaho Code).
8 (~~2~~b) In addition to those crimes enumerated in
subsection (~~1~~a) of this
9 section, any person, including any juvenile tried as an
adult, who is con-
10 victed for an attempt to commit any of the following crimes,
regardless of the
11 form of judgment or withheld judgment, and regardless of the
sentence imposed
12 or disposition rendered, shall be required to provide to
the Idaho state
13 police, a DNA sample and a right thumbprint impression:
14 (a1) ~~Aggravated a~~Arson (sections 18-802 through 18-805,
Idaho Code);
15 (2) Felonious administering of drugs (sections 18-913
and 18-914, Idaho
16 Code);
17 (3) Assault or battery upon certain personnel
(section 18-915, Idaho
18 Code);
19 (4) Removing a firearm from a law enforcement officer
(section 18-915A,
20 Idaho Code);
21 (5) Propelling bodily fluid or waste (section 18-915B,
Idaho Code);
22 (~~b~~6) Sexual abuse of a child under the age of
sixteen years (section
23 18-1506, Idaho Code);
24 (7) Ritualized abuse of a child (section 18-1506A, Idaho
Code);
25 (~~e~~8) Injury to a child (section 18-1501(1), Idaho Code);

- 26 (d~~9~~) Lewd conduct with minor child under sixteen (section
18-1508, Idaho
27 Code);
- 28 (e~~10~~) Sexual battery of a minor child sixteen or
seventeen years of age
29 (section 18-1508A, Idaho Code);
- 30 (11) Enticing of children (sections 18-1509 and 18-1509A,
Idaho Code);
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Code);
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weapon (section
33 18-2511, Idaho Code);
- 34 (14) False reports of explosives (section 18-3313, Idaho
Code);
- 35 (15) Unlawful possession of a firearm (section 18-3316,
Idaho Code);
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- 37 (17) Unlawful possession or use of bombs or destructive
devices (sections
38 18-3319 and 18-3320, Idaho Code);
- 39 (18) Use of weapons of mass destruction (section 18-3322,
Idaho Code);
- 40 (~~f~~19) Murder, any degree (sections 18-4001 and 18-4003,
Idaho Code);
- 41 (20) Administering poison with intent to kill (section
18-4014, Idaho
42 Code);
- 43 (21) Assault with intent to murder (section 18-4015, Idaho
Code);
- 44 (22) Indecent exposure (section 18-4116, Idaho Code);
- 45 (~~g~~23) Kidnapping, any degree (sections 18-4501 and 18-
4502, Idaho Code);
- 46 (24) Forest sabotage (section 18-4631, Idaho Code);
- 47 (~~h~~25) Mayhem (section 18-5001, Idaho Code);
- 48 (26) Cannibalism (section 18-5003, Idaho Code);
- 49 (27) Poisoning food, medicine or wells (section 18-5501,
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5601, Idaho Code);
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Idaho Code);

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 53 (31) Male rape (sections 18-6108 and 18-6109, Idaho Code);
 54 (32) Sexual contact with a prisoner (section 18-6110,
Idaho Code);
 55 (33) Video voyeurism (section 18-6609, Idaho Code);

1 (~~j~~34) Robbery (section 18-6501, Idaho Code);
 2 (~~k~~35) Incest (section 18-6602, Idaho Code);
 3 (~~l~~36) Crime against nature (section 18-6605, Idaho Code);
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 Code);
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plants (sections
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 9 Code);
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(sections 18-7024 and
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Idaho Code);
 21 (49) Providing material support to terrorists (section
18-8106, Idaho
 22 Code);
 23 (50) Prohibited employment of adult criminal sex

offenders (section

24 **18-8327, Idaho Code);**

25 (~~51~~) Transfer of body fluid which may contain the
HIV virus (section
26 39-608, Idaho Code).

27 (~~3c~~) This chapter's requirements for submission to tests
and procedures
28 for obtaining a DNA sample and thumbprint impression
from the persons
29 described above are mandatory and apply to those persons
convicted of such
30 crimes covered in this chapter prior to its effective
date, and who, as a
31 result of the offense, are incarcerated in a county jail
facility or a penal
32 facility or are under probation or parole supervision after
the effective date
33 of this chapter.

34 (~~4d~~) The collection of samples and impressions specified
in this chapter
35 are required regardless of whether the person previously has
supplied a DNA
36 sample to law enforcement agencies in any other jurisdiction.

37 (~~5e~~) The requirements of this chapter are mandatory and
apply regardless
38 of whether a court advises a person that samples and
impressions must be pro-
39 vided to the databank and database as a condition of probation
or parole.

40 (~~6f~~) Unless the court determines that an order of
restitution would be
41 inappropriate or undesirable, it shall order any person
subject to the provi-
42 sions of this section to pay restitution to help offset costs
incurred by law
43 enforcement agencies for the expense of DNA analysis.

44 (~~7g~~) The court may order such person to pay restitution
for DNA analysis
45 in an amount not to exceed five hundred dollars (\$500) per
DNA sample analy-
46 sis, or in the aggregate not more than two thousand dollars
(\$2,000), regard-
47 less of whether:

48 (a~~1~~) The source of the sample is the person, the victim
or other persons
49 of interest in the case;
50 (b~~2~~) Results of the analysis are entered into evidence
in the person's
51 criminal case;
52 (c~~3~~) The DNA sample was previously analyzed for another
criminal case; or
53 (d~~4~~) Restitution for that DNA sample analysis was
ordered in any other
54 criminal case.
55 (e~~h~~) Law enforcement agencies entitled to restitution
under this section

5

1 include the Idaho state police, county and city law
enforcement agencies, the
2 office of the attorney general, county prosecuting attorneys
and city attor-
3 neys.

4 (f~~9i~~) In the case of reimbursement for DNA analysis
performed by the Idaho
5 state police, those moneys shall be paid to the Idaho state
police and depos-
6 ited in the law enforcement fund. In the case of
reimbursement to the office
7 of the attorney general, those moneys shall be paid to the
general fund.

8 (g~~10j~~) Persons who have been sentenced to death, or life
without the pos-
9 sibility of parole, or to any life or indeterminate term are
not exempt from
10 the requirements of this chapter.

11 SECTION 2. This act shall be in full force and effect on
and after July
12 1, 2005, and shall apply only to persons who are convicted of
or plead guilty
13 to a crime covered by this act after July 1, 2005.

Amendment

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature First Regular Session -
2005

Moved by

Kelly

Seconded by

Jorgenson

IN THE SENATE
SENATE AMENDMENT TO S.B. NO. 1197

1 AMENDMENTS TO SECTION 1
2 On page 2 of the printed bill, in line 20, following
"Code)" insert: ",
3 constituting a felony"; in line 38, following "Code)" insert:
", constituting
4 a felony"; on page 3, delete lines 2 and 3; in line 4, delete
"61" and insert:
5 "60"; in line 6, delete "62" and insert: "61"; in line 44,
following "Code)"
6 insert: ", constituting a felony"; and on page 4, in line 7,
following "Code)"
7 insert: ", constituting a felony".

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature First Regular Session -
2005

IN THE SENATE

SENATE BILL NO. 1197, As Amended

BY JUDICIARY AND RULES COMMITTEE

1 AN ACT

2 RELATING TO OFFENDERS SUBJECT TO SAMPLE COLLECTION; AMENDING
SECTION 19-5506,

3 IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO PERSONS
REQUIRED TO PROVIDE

4 A DNA SAMPLE AND THUMBPRINT TO THE IDAHO STATE POLICE AND
TO MAKE TECHNI-

5 CAL CHANGES; PROVIDING AN EFFECTIVE DATE AND PROVIDING
APPLICATION.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 19-5506, Idaho Code, be, and the
same is hereby

8 amended to read as follows:

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COLLECTION -- EARLY

10 COLLECTION OF SAMPLES -- RESTITUTION. (1a) Any person,
including any juvenile

11 tried as an adult, who is convicted of, or pleads guilty to,
any of the fol-

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13 regardless of the sentence imposed or disposition rendered,
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(section 18-909,

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26 (7) Assault or battery upon certain personnel
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35 ment and the offense took place when the victim was open
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36 business and the defendant committed a theft and his
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- 8 18-2511, Idaho Code);
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Code);
- 10 (22) Unlawful possession of a firearm (section 18-3316,
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13 police, a DNA sample and a right thumbprint impression:
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21 (5) Propelling bodily fluid or waste (section 18-915B,
Idaho Code);
22 (~~b~~6) Sexual abuse of a child under the age of sixteen
years (section
23 18-1506, Idaho Code);
24 (7) Ritualized abuse of a child (section 18-1506A, Idaho
Code);
25 (~~e~~8) Injury to a child (section 18-1501(1), Idaho Code);
26 (~~d~~9) Lewd conduct with minor child under sixteen
(section 18-1508, Idaho
27 Code);
28 (~~e~~10) Sexual battery of a minor child sixteen or

- seventeen years of age
 29 (section 18-1508A, Idaho Code);
 30 (11) Enticing of children (sections 18-1509 and 18-1509A, Idaho Code);
 31 (12) Sale or barter of a child (section 18-1511, Idaho Code);
 32 (13) Possession of a controlled substance or dangerous weapon (section
 33 18-2511, Idaho Code);
 34 (14) False reports of explosives (section 18-3313, Idaho Code);
 35 (15) Unlawful possession of a firearm (section 18-3316, Idaho Code);
 36 (16) Unlawful discharge of a firearm (section 18-3317, Idaho Code);
 37 (17) Unlawful possession or use of bombs or destructive devices (sections
 38 18-3319 and 18-3320, Idaho Code);
 39 (18) Use of weapons of mass destruction (section 18-3322, Idaho Code);
 40 (~~19~~) Murder, any degree (sections 18-4001 and 18-4003, Idaho Code);
 41 (20) Administering poison with intent to kill (section 18-4014, Idaho
 42 Code);
 43 (21) Assault with intent to murder (section 18-4015, Idaho Code);
 44 (22) Indecent exposure (section 18-4116, Idaho Code), constituting a fel-
 45 ony;
 46 (~~23~~) Kidnapping, any degree (sections 18-4501 and 18-4502, Idaho Code);
 47 (24) Forest sabotage (section 18-4631, Idaho Code);
 48 (~~25~~) Mayhem (section 18-5001, Idaho Code);
 49 (26) Cannibalism (section 18-5003, Idaho Code);
 50 (27) Poisoning food, medicine or wells (section 18-5501, Idaho Code);
 51 (28) Interstate trafficking in prostitution (section 18-5601, Idaho Code);
 52 (29) Inducing a minor into prostitution (section 18-5609, Idaho Code);
 53 (~~30~~) Rape (section 18-6101, Idaho Code);
 54 (31) Male rape (sections 18-6108 and 18-6109, Idaho Code);

55 (32) Sexual contact with a prisoner (section 18-6110, Idaho Code);

4

1 (33) Video voyeurism (section 18-6609, Idaho Code);
 2 (~~j~~34) Robbery (section 18-6501, Idaho Code);
 3 (~~k~~35) Incest (section 18-6602, Idaho Code);
 4 (~~l~~36) Crime against nature (section 18-6605, Idaho Code);
 5 (~~m~~37) Forcible sexual penetration (section 18-6608, Idaho Code);

6 (38) Removal, destruction or burning of electric lines or plants (sections

7 18-6803, 18-6804 and 18-6805, Idaho Code);

8 (39) Malicious injury to property (section 18-7001, Idaho Code), consti-

9 tuting a felony;

10 (40) Injuring dams, canals or other structures (section 18-7019, Idaho

11 Code);

12 (41) Setting fire to underground workings of mines (sections 18-7024 and

13 18-7025, Idaho Code);

14 (42) Sabotage (section 18-7026, Idaho Code);

15 (43) Aircraft hijacking (section 18-7501, Idaho Code);

16 (44) Assault with intent to commit aircraft hijacking (section 18-7502,

17 Idaho Code);

18 (45) Threats made against airline passengers and other persons, commercial

19 airline companies, or aircraft (section 18-7504, Idaho Code);

20 (46) Malicious harassment (sections 18-7902 and 18-7903, Idaho Code);

21 (47) Stalking in the first degree (section 18-7905, Idaho Code);

22 (48) Prohibited terrorist activities (section 18-8103, Idaho Code);

23 (49) Providing material support to terrorists (section 18-8106, Idaho

24 Code);

25 (50) Prohibited employment of adult criminal sex offenders (section

26 18-8327, Idaho Code);

27 (51) Transfer of body fluid which may contain the HIV
virus (section
28 39-608, Idaho Code).

29 (3c) This chapter's requirements for submission to
tests and procedures
30 for obtaining a DNA sample and thumbprint impression
from the persons
31 described above are mandatory and apply to those persons
convicted of such
32 crimes covered in this chapter prior to its effective date,
and who, as a
33 result of the offense, are incarcerated in a county jail
facility or a penal
34 facility or are under probation or parole supervision after
the effective date
35 of this chapter.

36 (4d) The collection of samples and impressions specified
in this chapter
37 are required regardless of whether the person previously
has supplied a DNA
38 sample to law enforcement agencies in any other jurisdiction.

39 (5e) The requirements of this chapter are mandatory and
apply regardless
40 of whether a court advises a person that samples and
impressions must be pro-
41 vided to the databank and database as a condition of probation
or parole.

42 (6f) Unless the court determines that an order of
restitution would be
43 inappropriate or undesirable, it shall order any person
subject to the provi-
44 sions of this section to pay restitution to help offset costs
incurred by law
45 enforcement agencies for the expense of DNA analysis.

46 (7g) The court may order such person to pay restitution
for DNA analysis
47 in an amount not to exceed five hundred dollars (\$500) per
DNA sample analy-
48 sis, or in the aggregate not more than two thousand dollars
(\$2,000), regard-
49 less of whether:

50 (a1) The source of the sample is the person, the victim

or other persons

51 of interest in the case;

52 (~~b~~2) Results of the analysis are entered into evidence
in the person's

53 criminal case;

54 (~~e~~3) The DNA sample was previously analyzed for another
criminal case; or

55 (~~d~~4) Restitution for that DNA sample analysis was
ordered in any other

5

1 criminal case.

2 (~~g~~h) Law enforcement agencies entitled to restitution
under this section

3 include the Idaho state police, county and city law
enforcement agencies, the

4 office of the attorney general, county prosecuting attorneys
and city attor-

5 neys.

6 (~~9~~i) In the case of reimbursement for DNA analysis
performed by the Idaho

7 state police, those moneys shall be paid to the Idaho state
police and depos-

8 ited in the law enforcement fund. In the case of reimbursement
to the office

9 of the attorney general, those moneys shall be paid to the
general fund.

10 (~~10~~j) Persons who have been sentenced to death, or life
without the pos-

11 sibility of parole, or to any life or indeterminate term are
not exempt from

12 the requirements of this chapter.

13 SECTION 2. This act shall be in full force and effect
on and after July

14 1, 2005, and shall apply only to persons who are convicted of
or plead guilty

15 to a crime covered by this act after July 1, 2005.

Statement of Purpose / Fiscal Impact

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STATEMENT OF PURPOSE

RS 15099E1

This proposal amends Idaho Code section 19-5506, by adding fifty (50) felony crimes to the DNA/CODIS Act under which offenders are subject to sample collection. The Idaho Department of Correction reports an average of 160 offenders convicted of these additional crimes sentenced into its custody for each of the past three years. Just under 35% of these offenders receive probation, while slightly more than 65% are incarcerated.

When the DNA/CODIS Act was written in 1996, it included legislative intent language stating that DNA is a useful law enforcement tool for identifying and prosecuting sexual and violent offenders. Legislative intent also cited the value of DNA data in the elimination of particular suspects for such crimes.

Crimes identified in 1996 for inclusion in the Act were those violent and sexual crimes most often committed and convicted. Burglary and domestic violence were later added to the list. This amendment captures the remaining felonies falling into the categories of "violent" or "sexual", in accordance with the original legislative intent.

According to a recent FBI CODIS program report the majority of types of crime solved through DNA database hits in the United States have been sexual assaults and other violent crimes. The report further makes the point that the more complete a state's DNA database is, the more

matches

can be made and the more cases can be solved.

The amendment applies only to offenders convicted of the additional crimes after the effective date of the bill.

FISCAL NOTE

The Idaho Department of Correction reports an average of 160 offenders convicted of these additional crimes sentenced into its custody for each of the past three years which would result in a fiscal impact of \$ 960 (\$6.00 per offender) and the Idaho State Police believes that federal funding will continue to be available to outsource these convicted offender samples over the next several years. However, when federal funds are no longer available, ISP's fiscal impact will be approximately \$10,060 for collection kits, DNA amplification kits and associated reagents and consumables regardless of this legislation, ISP may require additional resources to fulfill their obligations under IC 19-5506.

Immediate fiscal impact to IDOC: \$960/year

Fiscal impact to ISP when federal funds are no longer available:
\$10,060/year.

Contact:

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Phone: 334-1000

Name: Senator Jorgenson

Phone: 334-1000

STATEMENT OF PURPOSE/FISCAL NOTE

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