

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 194**

4 (By Senators Foster, Kessler (Acting President), Chafin, Hall,
5 Jenkins, Laird, Minard, Palumbo, Snyder, Williams, Wells, Unger,
6 Browning, Plymale and Miller)

7 _____
8 [Originating in the Committee on Education;
9 reported January 28, 2011.]
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13 A BILL to amend and reenact §15-2B-3 and §15-2B-5 of the Code of
14 West Virginia, 1931, as amended, all relating to authorizing
15 the West Virginia State Police to enter into agreements with
16 the Marshall University Forensic Science Center for testing
17 offender samples for CODIS, criminal paternity cases or
18 identification of human remains for the office of the Chief
19 Medical Examiner using nuclear DNA technology.

20 *Be it enacted by the Legislature of West Virginia:*

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

23 **ARTICLE 2B. DNA DATA.**

24 **§15-2B-3. Definitions.**

25 ~~As used in this article the following terms mean:~~ For the

1 purposes of this article the following words have the meanings
2 ascribed to them unless the context clearly indicates a different
3 meaning:

4 (a) "CODIS" means the Combined DNA Index System, the national
5 DNA database, established and funded by the FBI, and developed
6 specifically to enable public forensic DNA laboratories to create
7 searchable DNA databases of authorized DNA profiles.

8 (b) "Division" means the West Virginia State Police.

9 ~~(a)~~ (c) "DNA" means deoxyribonucleic acid. DNA is located in
10 the nucleus of cells and provides an individual's personal genetic
11 blueprint. DNA encodes genetic information that is the basis of
12 human heredity and forensic identification.

13 ~~(b)~~ (d) "DNA record" means DNA identification information
14 stored in any state DNA database pursuant to this article. The DNA
15 record is the result obtained from DNA typing tests. The DNA
16 record is comprised of the characteristics of a DNA sample which
17 are of value in establishing the identity of individuals. The
18 results of all DNA identification tests on an individual's DNA
19 sample are also included as a "DNA record".

20 ~~(c)~~ (e) "DNA sample" means a tissue, fluid or other bodily
21 sample suitable for testing, provided pursuant to this article or
22 submitted to the division laboratory for analysis pursuant to a
23 criminal investigation.

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

25 ~~(e)~~ (g) "State DNA database" means all DNA identification
26 records included in the system administered by the West Virginia

1 State Police.

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

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

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

7 The division may enter into cooperative agreements with public
8 or private agencies or entities to provide ~~any~~ a service or
9 facility associated with the administration of the DNA database and
10 databank. ~~Provided, That the division is authorized only to~~
11 ~~contract services and/or facilities for DNA typing, testing and~~
12 ~~research with Marshall University.~~ In the event the division
13 enters into an agreement for the purposes of (1) testing offender
14 samples for CODIS; (2) criminal paternity cases; or (3)
15 identification of human remains for the Office of Chief Medical
16 Examiner using nuclear DNA technology, the division is authorized
17 to enter into an agreement only with the Marshall University
Forensic Science Center.