SENATE BILL 6310
STATE OF WASHINGTON -- 63RD LEGISLATURE -- 2014 REGULAR SESSION
BY SENATORS DARNEILLE, KLINE, KOHL-WELLES, FROCKT, MCCOY, CLEVELAND, MCAULIFFE,
AND FRASER

BILL TRACKING REPORT: 2013 Bill Tracking WA S.B. 6310

VERSION: Introduced
VERSION-DATE: January 17, 2014

SYNOPSIS: AN ACT Relating to the retention of biological material collected during criminal investigations; adding a new section to chapter 10.73 RCW; creating a new section; providing an effective date; and providing expiration dates.

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

NEW SECTION.Sec. 1 A new section is added to chapter 10.73 RCW to read as follows:

(1) It is prohibited for a governmental entity to destroy biological material collected or work product generated by law enforcement, during or in connection with a criminal investigation or case relating to a felony offense. The governmental entity in possession of the biological material has discretion to determine how the biological material or work product is retained pursuant to this section, provided that the biological material or work product collected by law enforcement is retained in a condition suitable for deoxyribonucleic acid testing.

(2) For purposes of this section:

(a) "Biological material" means the contents of a sexual assault examination kit or any blood, semen, hair, saliva, skin tissue, fingerprints, or any other identifiable human biological material or physical evidence that may reasonably be used to incriminate or exculpate any person in a felony criminal investigation, whether that material is catalogued separately on a slide or swab, in a test tube, or some other similar method, or is present on any item of evidence, including those that are alleged to have been touched or worn by the perpetrator of the felony offense; and

(b) "Governmental entity" means any general law enforcement agency or any person or organization acting on behalf of the state or any political subdivision of the state, involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.
(3) Nothing in this section precludes an evidence technician or other person trained in handling biological material and acting on behalf of a governmental entity from documenting the location of biological material and then removing representative samples from large items of evidence and retaining only the parts containing biological material.

(4) This section expires January 1, 2016.

NEW SECTION.Sec. 2 (1) A work group on preservation of evidence for criminal justice purposes is established to study and make recommendations relating to establishing statewide standards for preserving biological material in felony cases in Washington state.

(2) The work group shall consist of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The chief of the Washington state patrol or the chief’s designee;

(d) The executive director of the Washington association of sheriffs and police chiefs or the executive director's designee;

(e) One member representing the superior court judges' association;

(f) One member representing the district and municipal court judges' association;

(g) One member representing the Washington state association of counties;

(h) One member representing the Washington association of prosecuting attorneys;

(i) One member representing the Washington defender's association or the Washington association of criminal defense lawyers;

(j) One member representing the Washington state association of cities; and

(k) One member representing the Washington association of county officials;

(l) One member representing the Washington state forensic investigations council; and

(m) Two members, appointed by the governor, who represent the community from the innocence network in Washington state.

(3) Members of the work group shall select a chair.

(4) At a minimum, the work group shall research, review, and make recommendations on whether to:

(a) Preserve all items of biological material relating to felony offenses;

(b) Ensure biological material is not lost, destroyed, or contaminated;

(c) Determine consistent specified time periods that biological material be retained and secured in connection with a felony criminal investigation;

(d) Develop a model policy for the collection, tracking, packaging, storing, and disposition of biological material, including the length of time biological material should be retained by a governmental entity; and

(e) Develop a statewide policy that provides clear direction for the disposal of recovered property from misdemeanor criminal investigations when storage of evidence is an issue for felony criminal investigations.

(5) The work group shall compile its findings and recommendations for the retention and disposition of biological material into a final report and provide its report to the appropriate committees of the legislature and governor by December 1, 2014.

(6) The work group shall function within existing resources and no specific budget may be provided to complete the report. The participants are encouraged to donate their time to offset any costs.

(7) This section expires January 1, 2015.
NEW SECTION. Sec. 3 Section 1 of this act takes effect July 1, 2014.

SPONSOR: Darneille

LOAD-DATE: January 18, 2014