

HOUSE BILL NO. HB0204

Katie's law.

Sponsored by: Representative(s) Esquibel, K., Brown, Burkhart, Coleman, Davison, Goggles, Hutchings, Krone, Petroff and Throne and Senator(s) Anderson, J.D. (SD02), Coe, Craft, Dockstader, Hastert, Nutting and Ross

A BILL

for

1 AN ACT relating to criminal procedure; providing for
 2 collection of DNA from a person arrested for a felony;
 3 providing for expungement of information as specified;
 4 repealing archaic language; and providing for an effective
 5 date.

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

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9 **Section 1.** W.S. 7-19-403(a) and (b) and
 10 7-19-405(a)(intro) and (ii) are amended to read:

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

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1 (a) Every person arrested for or charged with a
2 violation of any offense punishable by more than one (1)
3 year that consists of a homicide, involves a sexual act or
4 sexual conduct, involves kidnapping or abduction, consists
5 of burglary or robbery, involves stalking or involves an
6 aggravated assault, every person convicted of a felony on
7 or after July 1, ~~1997~~2013, and every person who ~~on or~~
8 ~~after July 1, 1997,~~ is in custody in this state as a result
9 of a felony conviction shall provide a DNA sample for
10 analysis to determine identification characteristics
11 specific to the person. The DNA record resulting from the
12 DNA analysis shall be stored and maintained by the division
13 in the state DNA database.

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15 (b) DNA samples shall be collected in a medically
16 approved manner by a physician, registered nurse, qualified
17 clinical or laboratory technician or other person qualified
18 by training and experience. Persons authorized to draw or
19 collect DNA samples under this section shall not be civilly
20 liable for such acts when acting in a reasonable manner
21 according to generally accepted medical practices. DNA
22 samples required under this section for persons in custody
23 ~~on or after July 1, 1997,~~ shall be provided prior to
24 release from custody. DNA samples required under this

1 section for persons convicted ~~on or after July 1, 1997,~~ and
2 not sentenced to imprisonment shall be provided as a
3 condition of the sentence immediately after sentencing.
4 DNA samples required under this section for persons
5 arrested or charged with an offense as provided in
6 subsection (a) of this section may be collected at any
7 time after the person is arrested or charged and shall be
8 provided prior to the release of the person. The division
9 shall promulgate rules and regulations governing the
10 policies and procedures for the collection of DNA samples
11 and transfer of DNA samples to the division. Criminal
12 justice agencies having custody of a person required to
13 provide a DNA sample under this section shall comply with
14 rules and regulations of the division relating to the
15 collection of DNA samples and transfer of such DNA samples
16 for analysis.

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18 **7-19-405. Expungement of information.**

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20 (a) Any person whose DNA profile has been included in
21 the state DNA database pursuant to this act may request
22 expungement on the grounds that the person was acquitted of
23 the offense for which DNA was collected under this act,
24 that the person will not be prosecuted for the offense for

1 which DNA was collected under this act or the felony
2 conviction on which the authority for including the DNA
3 profile was based has been reversed and dismissed. The
4 division shall respond to a request for expungement not
5 later than ninety (90) days after receipt of the request
6 and shall provide a written response to the requesting
7 party. If the division determines to expunge information
8 under this section, the division shall expunge all
9 identifiable information and DNA records in the state DNA
10 database relating to the ~~subject conviction from the person~~
11 offense upon receipt of:

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13 (ii) A certified copy of the court order
14 reversing and dismissing the conviction or providing for
15 expungement, a certified copy of the court order of
16 acquittal or dismissal of the offense for which DNA was
17 collected under this act or other information that the
18 division determines sufficient to show that the person will
19 not be prosecuted after an arrest for which DNA was
20 collected under this act. Evidence that prosecution has
21 not begun more than one (1) year after an arrest shall be
22 deemed sufficient to show that the person will not be
23 prosecuted for purposes of this paragraph.

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