

SENATE FILE NO. SF0047

Katie's law.

Sponsored by: Senator(s) Nutting and Representative(s)
Esquibel, K.

A BILL

for

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

6

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

8

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

11

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

14

15 (a) Every person arrested for or charged with a
16 violation of W.S. 6-2-101, 6-2-104 through 6-2-108, 6-2-201

1 through 6-2-203, 6-2-302 through 6-2-304, 6-2-313 through
2 6-2-318, 6-2-401, 6-2-502, 6-2-506, 6-2-702 through
3 6-2-707, 6-3-101, 6-3-102 or 6-3-301, every person
4 convicted of a felony ~~on or after July 1, 1997,~~ and every
5 person who ~~on or after July 1, 1997,~~ is in custody in this
6 state as a result of a felony conviction shall provide a
7 DNA sample for analysis to determine identification
8 characteristics specific to the person. The DNA record
9 resulting from the DNA analysis shall be stored and
10 maintained by the division in the state DNA database.

11

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

1 DNA samples required under this section for persons
2 arrested or charged with an offense as provided in
3 subsection (a) of this section may be collected at any
4 time after the person is arrested or charged and shall be
5 provided prior to the release of the person. The division
6 shall promulgate rules and regulations governing the
7 policies and procedures for the collection of DNA samples
8 and transfer of DNA samples to the division. Criminal
9 justice agencies having custody of a person required to
10 provide a DNA sample under this section shall comply with
11 rules and regulations of the division relating to the
12 collection of DNA samples and transfer of such DNA samples
13 for analysis.

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15 **7-19-405. Expungement of information.**

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17 (a) Any person whose DNA profile has been included in
18 the state DNA database pursuant to this act may request
19 expungement on the grounds that the person was acquitted of
20 the offense for which DNA was collected under this act,
21 that the person will not be prosecuted for the offense for
22 which DNA was collected under this act or the felony
23 conviction on which the authority for including the DNA
24 profile was based has been reversed and dismissed. The

1 division shall expunge all identifiable information and DNA
2 records in the state DNA database relating to the ~~subject~~
3 ~~conviction from the person~~ offense upon receipt of:

4
5 (ii) A certified copy of the court order
6 reversing and dismissing the conviction or providing for
7 expungement, a certified copy of the court order of
8 acquittal or dismissal of the offense for which DNA was
9 collected under this act or other information that the
10 division determines sufficient to show that the person will
11 not be prosecuted after an arrest for which DNA was
12 collected under this act. Evidence that prosecution has
13 not begun more than one (1) year after an arrest shall be
14 deemed sufficient to show that the person will not be
15 prosecuted for purposes of this paragraph.

16
17 **Section 2.** This act is effective July 1, 2014.

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19

(END)