

2023 Regular Session

HOUSE BILL NO. 378

BY REPRESENTATIVES DEVILLIER AND STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to the DNA database exchange

1 AN ACT

2 To amend and reenact R.S. 15:612(A)(introductory paragraph), (B), and (C), relative to  
3 DNA database exchange; to provide relative to the population database comprised  
4 of DNA samples; to provide relative to the use of the population database comprised  
5 of DNA samples; to provide relative to disclosure prohibitions of the database; and  
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:612(A)(introductory paragraph), (B), and (C) are hereby amended  
9 and reenacted to read as follows:

10 §612. DNA ~~data base~~ database exchange

11 A. The state police shall receive, store, and perform analysis on DNA  
12 samples or contract for DNA typing analysis with a qualified DNA laboratory that  
13 meets the guidelines as established by the state police, and shall classify and file the  
14 DNA record of identification characteristic profiles of DNA samples submitted under  
15 this Chapter and make such information available as provided in this Section. The  
16 state police may enter a contract for the storage of DNA typing analysis and for  
17 DNA typing analysis with a qualified DNA laboratory that meets guidelines as  
18 established by the state police. The results of the DNA profile of individuals in the  
19 state DNA ~~data base~~ database shall be made available:

20 \* \* \*

1           B. The state police shall adopt guidelines governing the methods of  
2 obtaining information from the state DNA ~~data base~~ database and procedures for  
3 verification of the identity and authority of the requestor.

4           C.(1) The state police may create a separate population ~~data base~~ database  
5 comprised of DNA samples obtained under this Chapter after all personal  
6 identification is removed. The state police may share or disseminate the population  
7 ~~data base~~ database with other criminal justice agencies or crime laboratories that  
8 serve to assist the state police with statistical ~~data bases~~ databases. The population  
9 ~~data base~~ database may be made available to and searched by other agencies  
10 participating in the CODIS system. This separate population database may be used  
11 for the following:

12           (a) To assist federal, state, and local criminal justice and law enforcement  
13 agencies in the identification and detection of individuals in criminal investigations  
14 or in declared or non-declared disaster victim identification.

15           (b) For a population statistics database.

16           (c) For identification and protocol development purposes.

17           (d) For quality control purposes.

18           (2) The state police shall maintain this separate population database, and it  
19 shall be subject to the same disclosure prohibitions as the state data bank pursuant  
20 to R.S. 15:617.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 378 Original

2023 Regular Session

DeVillier

**Abstract:** Provides relative to the use of the population database comprised of DNA samples.

Present law authorizes state police to create a separate population database comprised of DNA samples after all personal identification is removed. Further authorizes state police to share or disseminate the population database with other criminal justice agencies or crime laboratories that serve to assist state police with statistical databases.

Proposed law retains present law and provides that the population database may be used for the following:

- (1) To assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations or in declared or non-declared disaster victim identification.
- (2) For a population statistics database.
- (3) For identification and protocol development purposes.
- (4) For quality control purposes.

Proposed law requires state police to maintain the separate population database and requires that the database is subject to the same disclosure prohibitions as the state data bank pursuant to present law (R.S. 15:617).

(Amends R.S. 15:612(A)(intro. para.), (B), and (C))