

the bill, by that date. The bill also provides local government with authority to adopt more restrictive regulations for on-site disposal systems.

With the exception of sections 1 and 5, Engrossed Substitute House Bill No. 1369 is approved."

CHAPTER 350

[Second Substitute Senate Bill No. 5375] DNA IDENTIFICATION PROGRAM

AN ACT Relating to DNA identification; adding new sections to chapter 43.43 RCW; creating a new section; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29).

NEW SECTION. Sec. 2. (1) To support criminal justice services in the local communities throughout this state, the state patrol in consultation with the University of Washington school of medicine shall develop a plan for and establish a DNA identification system. In implementing the plan, the state patrol shall purchase the appropriate equipment and supplies. The state patrol shall procure the most efficient equipment available.

(2) The DNA identification system as established shall be compatible with that utilized by the federal bureau of investigation.

(3) The state patrol and the University of Washington school of medicine shall report on the DNA identification system to the legislature no later than November 1, 1989. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management.

***NEW SECTION.** Sec. 3. (1) *An oversight committee shall recommend to the legislature by November 1, 1989, specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification*

data. The rules and procedures shall be designed to protect the privacy interests of affected parties. The chief of the Washington state patrol or the chief's designee shall chair the committee which shall consist of forensic evidence, biomedical ethics, and civil liberties experts and eight legislators. The speaker of the house of representatives shall appoint four legislators from the judiciary committee and the president of the senate shall appoint four senators from the law and justice committee. The proposed rules and procedures shall be included in the November 1, 1989, report to the legislature.

(2) The Washington state patrol in cooperation with the University of Washington school of medicine shall also develop a program for the proper administration and collection of blood samples. This program shall include requirements that the blood samples be taken under sanitary conditions in a medically approved manner by a physician, registered nurse, or licensed phlebotomist.

*Sec. 3 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. After July 1, 1990, every individual convicted in a Washington superior court of a felony defined as a sex offense under RCW 9.94A.030(26)(a) or a violent offense as defined in RCW 9.94A.030(29) shall have a blood sample drawn for purposes of DNA identification analysis before release from or transfer to a state correctional institution or county jail or detention facility. Any blood sample taken pursuant to sections 2 through 6 of this act shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

NEW SECTION. Sec. 5. The state patrol in consultation with the University of Washington school of medicine may:

(1) Provide DNA analysis services to law enforcement agencies throughout the state after July 1, 1990;

(2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(3) Provide expert testimony in court on DNA evidentiary issues.

NEW SECTION. Sec. 6. (1) Except as provided in subsection (3) of this section, no local law enforcement agency may establish or operate a DNA identification system before July 1, 1990, and unless:

(a) The equipment of the local system is compatible with that of the state system under section 2 of this act;

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol DNA identification system and transmit data to the Washington state patrol DNA identification system; and

(c) The procedure and rules for the collection, analysis, storage, expungement, and use of DNA identification data do not conflict with procedures and rules applicable to the state patrol DNA identification system.

(2) The Washington state patrol shall adopt rules to implement this section.

(3) Nothing in subsections (1) and (2) of this section shall prohibit a local law enforcement agency from performing DNA identification analysis in individual cases to assist law enforcement officials and prosecutors in the preparation and use of DNA evidence for presentation in court.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 43.43 RCW.

NEW SECTION. Sec. 8. Any moneys received by the state from the federal bureau of justice assistance shall be used to conserve state funds if not inconsistent with the terms of the grant. To the extent that federal funds are available for the purposes of this act, state funds appropriated in this section shall lapse and revert to the general fund.

NEW SECTION. Sec. 9. The sum of six hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state patrol for the purposes of this act.

Passed the Senate April 22, 1989.

Passed the House April 21, 1989.

Approved by the Governor May 12, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 12, 1989.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 3, Second Substitute Senate Bill No. 5375 entitled:

"AN ACT Relating to DNA identification."

Subsection 1 of section 3 creates an oversight committee to recommend specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data. The committee of twelve persons would be comprised of the Chief of the Washington State Patrol, three experts (forensic evidence, biomedical ethics, and civil liberties) and eight legislators appointed by the Legislature. I strongly support the purpose of this committee; however, the makeup of the committee is unbalanced.

I will appoint a committee to perform the functions set forth in section 3, including the report to the Legislature due November 1, 1989. Membership of the committee will include a more balanced group, from the fields of forensic evidence, biomedical ethics, civil liberties, medicine, the criminal justice system, and the Legislature.

Subsection 2 of section 3 requires the Washington State Patrol, in cooperation with the University of Washington School of Medicine, to develop a program for the proper administration and collection of blood samples. Although I am forced to veto this entire section, I will ask the Washington State Patrol to include this program within their plan for establishing a DNA identification system, as required by section 2.

I should bring to your attention that with the exception of section 6, the Washington State Patrol does not have specific authority to adopt rules for the DNA Identification System. I suggest the Legislature pass legislation giving the

Washington State Patrol rule-making authority before the bill takes effect on July 1, 1990.

With the exception of section 3, Second Substitute Senate Bill No. 5375 is approved.*

CHAPTER 351

[Substitute House Bill No. 1251]

ANNEXATIONS FOR MUNICIPAL PURPOSES

AN ACT Relating to annexation for municipal purposes; amending RCW 35.13.020, 35.13.060, 35.13.125, 35A.14.020, 35A.14.050, 35A.14.120, and 35.13.165; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and repealing RCW 35.13.025.

Be it enacted by the Legislature of the State of Washington:

***Sec. 1. Section 35.13.020, chapter 7, Laws of 1965 as last amended by section 3, chapter 332, Laws of 1981 and RCW 35.13.020 are each amended to read as follows:**

A petition for an election to vote upon the annexation of a portion of a county or counties to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last general state election ((may)) shall be filed ((in the office of the board of county commissioners: PROVIDED, That any such petition shall first be submitted to the prosecuting attorney who shall, within twenty-one days after submission, certify or refuse to certify the petition as set forth in RCW 35.13.025)) with the auditor of the county in which all, or the greatest portion, of the territory is located and a copy shall be filed with the legislative body of the city or town. If the territory is located in more than a single county, the auditor of the county with whom the petition is filed shall act as the lead auditor and transmit a copy of the petition to the auditor of each other county within which a portion of the territory is located. The auditor or auditors shall examine the petition, and the auditor or lead auditor shall certify the sufficiency of the petition to the legislative authority of the city or town.

If the ((prosecuting attorney)) auditor or lead auditor certifies the petition((, it shall be filed with the legislative body of the city or town to which the annexation is proposed, and such)) as containing sufficient valid signatures the legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. The petition may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to