

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1990.

Passed the Senate January 29, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

Filed in Office of Secretary of State March 27, 1990.

CHAPTER 230

[Substitute Senate Bill No. 6729]

DNA IDENTIFICATION

AN ACT Relating to DNA identification; amending RCW 43.43.758 and 43.43.754; adding new sections to chapter 43.43 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall adopt rules to implement RCW 43.43.752 through 43.43.758. The rules shall prohibit the use of DNA identification data for any research or other purpose that is not related to a criminal investigation or to improving the operation of the system authorized by RCW 43.43.752 through 43.43.758.

Sec. 2. Section 6, chapter 350, Laws of 1989 and RCW 43.43.758 are each amended to read as follows:

(1) Except as provided in subsection ~~((3))~~ (2) 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 RCW 43.43.752;

(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.

Sec. 3. Section 4, chapter 350, Laws of 1989 and RCW 43.43.754 are each amended to read as follows:

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))~~)(29)(a) or a violent offense as defined in RCW 9.94A.030(~~((29))~~)(32) 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))~~). For persons convicted of such offenses after July 1, 1990, who are serving a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples prior to release from the county jail or detention facility. For persons convicted of such offenses after July 1, 1990, who are serving a term of confinement in a department of corrections facility, the department shall be responsible for obtaining blood samples prior to release from such facility. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 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. 4. A new section is added to chapter 43.43 RCW to read as follows:***

(1) Jail administrators are authorized to conduct or cause to be conducted blood sampling for purposes of this chapter for persons detained in the county jail.

(2) Department of corrections facility administrators are authorized to conduct or cause to be conducted blood sampling for purposes of this chapter with the approval of the secretary of corrections or the secretary's designee.

****Sec. 4 was vetoed, see message at end of chapter.***

NEW SECTION. Sec. 5. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 5, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 27, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 27, 1990.

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

"I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6729 as amended by the House entitled:

"AN ACT Relating to DNA Identification."

This bill specifically authorizes and directs the Washington State Patrol to adopt rules for RCW 43.43.752 through RCW 43.43.758, the statutes establishing the DNA Identification Program.

Section 4 of the bill does not specifically address the DNA Identification Program, but rather the general role and authority of the Department of Corrections and county jail administrators to conduct blood sampling. As constructed, section 4 would not be codified within the statutes for which the bill establishes rule-making authority. As a result, the rule-making authority established by the bill will not be effective to implement section 4.

I believe section 3 of the bill provides sufficient authority to implement the regulations necessary to carry out the intent of this bill.

For these reasons, I have vetoed section 4 of the bill.

With the exception of section 4, Substitute Senate Bill No. 6729 is approved.*

CHAPTER 231

[Substitute House Bill No. 2421] JET SKI SAFETY STANDARDS

AN ACT Relating to safety standards for jet skis; amending RCW 88.12.070, 88.12.040, and 88.02.095; prescribing penalties; and providing an effective date.

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

Sec. 1. Section 1, chapter 241, Laws of 1989 and RCW 88.12.070 are each amended to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(a) "Operator" means the individual in physical control of ~~((the recreational boat))~~ a vessel. The operator of a personal watercraft shall be at least fourteen years of age.

(b) "Observer" means the individual riding in ~~((the recreational boat))~~ a vessel who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be ((at least ten years of age)) an individual who meets the minimum qualifications for an observer established by rules of the state parks and recreation commission.

(c) ~~(("Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use;))~~ "Personal watercraft" means a vessel of less than sixteen feet which uses a motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(d) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.