

H. B. No. 689
As Introduced

_____ moved to amend as follows:

- In line 1 of the title, after "109.57" insert ", 109.573" 1
- In line 6 of the title, after "reporting" insert ", and to allow 2
disclosure of information related to actions to determine paternity" 3
- In line 7, after "109.57" insert ", 109.573" 4
- After line 499, insert: 5
- "Sec. 109.573.** (A) As used in this section: 6
- (1) "DNA" means human deoxyribonucleic acid. 7
- (2) "DNA analysis" means a laboratory analysis of a DNA 8
specimen to identify DNA characteristics and to create a DNA 9
record. 10
- (3) "DNA database" means a collection of DNA records from 11
forensic casework or from crime scenes, specimens from anonymous 12
and unidentified sources, and records collected pursuant to 13
sections 2152.74 and 2901.07 of the Revised Code and a 14
population statistics database for determining the frequency of 15
occurrence of characteristics in DNA records. 16



(4) "DNA record" means the objective result of a DNA analysis of a DNA specimen, including representations of DNA fragment lengths, digital images of autoradiographs, discrete allele assignment numbers, and other DNA specimen characteristics that aid in establishing the identity of an individual.

(5) "DNA specimen" includes human blood cells or physiological tissues or body fluids.

(6) "Unidentified person database" means a collection of DNA records, and, on and after May 21, 1998, of fingerprint and photograph records, of unidentified human corpses, human remains, or living individuals.

(7) "Relatives of missing persons database" means a collection of DNA records of persons related by consanguinity to a missing person.

(8) "Law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

(9) "Administration of criminal justice" means the performance of detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. "Administration of criminal justice" also includes criminal identification activities and the collection, storage, and dissemination of criminal history record information.

(B) (1) The superintendent of the bureau of criminal

identification and investigation may do all of the following:	46
(a) Establish and maintain a state DNA laboratory to	47
perform DNA analyses of DNA specimens;	48
(b) Establish and maintain a DNA database;	49
(c) Establish and maintain an unidentified person database	50
to aid in the establishment of the identity of unknown human	51
corpses, human remains, or living individuals;	52
(d) Establish and maintain a relatives of missing persons	53
database for comparison with the unidentified person database to	54
aid in the establishment of the identity of unknown human	55
corpses, human remains, and living individuals.	56
(2) If the bureau of criminal identification and	57
investigation establishes and maintains a DNA laboratory and a	58
DNA database, the bureau may use or disclose information	59
regarding DNA records for the following purposes:	60
(a) The bureau may disclose information to a law	61
enforcement agency for the administration of criminal justice.	62
(b) The bureau shall disclose pursuant to a court order	63
issued under section 3111.09 of the Revised Code <u>in any action</u>	64
<u>to determine paternity</u> any information necessary to determine	65
the existence of a parent and child relationship in an action	66
brought under sections 3111.01 to 3111.18 of the Revised Code.	67
(c) The bureau may use or disclose information from the	68
population statistics database for identification research and	69
protocol development or for quality control purposes.	70
(3) If the bureau of criminal identification and	71
investigation establishes and maintains a relatives of missing	72
persons database, all of the following apply:	73

(a) If a person has disappeared and has been continuously 74
absent from the person's place of last domicile for a thirty-day 75
or longer period of time without being heard from during the 76
period, persons related by consanguinity to the missing person 77
may submit to the bureau a DNA specimen, the bureau may include 78
the DNA record of the specimen in the relatives of missing 79
persons database, and, if the bureau does not include the DNA 80
record of the specimen in the relatives of missing persons 81
database, the bureau shall retain the DNA record for future 82
reference and inclusion as appropriate in that database. 83

(b) The bureau shall not charge a fee for the submission 84
of a DNA specimen pursuant to division (B) (3) (a) of this 85
section. 86

(c) If the DNA specimen submitted pursuant to division (B) 87
(3) (a) of this section is collected by withdrawing blood from 88
the person or a similarly invasive procedure, a physician, 89
registered nurse, licensed practical nurse, duly licensed 90
clinical laboratory technician, or other qualified medical 91
practitioner shall conduct the collection procedure for the DNA 92
specimen submitted pursuant to division (B) (3) (a) of this 93
section and shall collect the DNA specimen in a medically 94
approved manner. If the DNA specimen is collected by swabbing 95
for buccal cells or a similarly noninvasive procedure, division 96
(B) (3) (c) of this section does not require that the DNA specimen 97
be collected by a qualified medical practitioner of that nature. 98
No later than fifteen days after the date of the collection of 99
the DNA specimen, the person conducting the DNA specimen 100
collection procedure shall cause the DNA specimen to be 101
forwarded to the bureau of criminal identification and 102
investigation in accordance with procedures established by the 103
superintendent of the bureau under division (H) of this section. 104

The bureau may provide the specimen vials, mailing tubes, 105
labels, postage, and instruction needed for the collection and 106
forwarding of the DNA specimen to the bureau. 107

(d) The superintendent, in the superintendent's 108
discretion, may compare DNA records in the relatives of missing 109
persons database with the DNA records in the unidentified person 110
database. 111

(4) If the bureau of criminal identification and 112
investigation establishes and maintains an unidentified person 113
database and if the superintendent of the bureau identifies a 114
matching DNA record for the DNA record of a person or deceased 115
person whose DNA record is contained in the unidentified person 116
database, the superintendent shall inform the coroner who 117
submitted or the law enforcement agency that submitted the DNA 118
specimen to the bureau of the match and, if possible, of the 119
identity of the unidentified person. 120

(5) The bureau of criminal identification and 121
investigation may enter into a contract with a qualified public 122
or private laboratory to perform DNA analyses, DNA specimen 123
maintenance, preservation, and storage, DNA record keeping, and 124
other duties required of the bureau under this section. A public 125
or private laboratory under contract with the bureau shall 126
follow quality assurance and privacy requirements established by 127
the superintendent of the bureau. 128

(C) The superintendent of the bureau of criminal 129
identification and investigation shall establish procedures for 130
entering into the DNA database the DNA records submitted 131
pursuant to sections 2152.74 and 2901.07 of the Revised Code and 132
for determining an order of priority for entry of the DNA 133
records based on the types of offenses committed by the persons 134

whose records are submitted and the available resources of the 135
bureau. 136

(D) When a DNA record is derived from a DNA specimen 137
provided pursuant to section 2152.74 or 2901.07 of the Revised 138
Code, the bureau of criminal identification and investigation 139
shall attach to the DNA record personal identification 140
information that identifies the person from whom the DNA 141
specimen was taken. The personal identification information may 142
include the subject person's fingerprints and any other 143
information the bureau determines necessary. The DNA record and 144
personal identification information attached to it shall be used 145
only for the purpose of personal identification or for a purpose 146
specified in this section. 147

(E) DNA records, DNA specimens, fingerprints, and 148
photographs that the bureau of criminal identification and 149
investigation receives pursuant to this section and sections 150
313.08, 2152.74, 2901.07, and 2933.82 of the Revised Code and 151
personal identification information attached to a DNA record are 152
not public records under section 149.43 of the Revised Code. 153

(F) The bureau of criminal identification and 154
investigation may charge a reasonable fee for providing 155
information pursuant to this section to any law enforcement 156
agency located in another state. 157

(G) (1) No person who because of the person's employment or 158
official position has access to a DNA specimen, a DNA record, or 159
other information contained in the DNA database that identifies 160
an individual shall knowingly disclose that specimen, record, or 161
information to any person or agency not entitled to receive it 162
or otherwise shall misuse that specimen, record, or information. 163

(2) No person without authorization or privilege to obtain information contained in the DNA database that identifies an individual person shall purposely obtain that information.	164 165 166
(H) The superintendent of the bureau of criminal identification and investigation shall establish procedures for all of the following:	167 168 169
(1) The forwarding to the bureau of DNA specimens collected pursuant to division (H) of this section and sections 313.08, 2152.74, 2901.07, and 2933.82 of the Revised Code and of fingerprints and photographs collected pursuant to section 313.08 of the Revised Code;	170 171 172 173 174
(2) The collection, maintenance, preservation, and analysis of DNA specimens;	175 176
(3) The creation, maintenance, and operation of the DNA database;	177 178
(4) The use and dissemination of information from the DNA database;	179 180
(5) The creation, maintenance, and operation of the unidentified person database;	181 182
(6) The use and dissemination of information from the unidentified person database;	183 184
(7) The creation, maintenance, and operation of the relatives of missing persons database;	185 186
(8) The use and dissemination of information from the relatives of missing persons database;	187 188
(9) The verification of entities requesting DNA records and other DNA information from the bureau and the authority of	189 190

the entity to receive the information;	191
(10) The operation of the bureau and responsibilities of	192
employees of the bureau with respect to the activities described	193
in this section.	194
(I) In conducting DNA analyses of DNA specimens, the state	195
DNA laboratory and any laboratory with which the bureau has	196
entered into a contract pursuant to division (B) (5) of this	197
section shall give DNA analyses of DNA specimens that relate to	198
ongoing criminal investigations or prosecutions or that are	199
forwarded by law enforcement agencies pursuant to divisions (B)	200
(2) (a) and (b) of section 2933.82 of the Revised Code priority	201
over DNA analyses of DNA specimens that relate to applications	202
made pursuant to section 2953.73 of the Revised Code. The state	203
DNA laboratory and any laboratory under contract with the bureau	204
to perform DNA analyses shall consider the period of time	205
remaining under section 2901.13 of the Revised Code for	206
commencing the prosecution of a criminal offense related to the	207
DNA specimens as well as other relevant factors in prioritizing	208
DNA analysis of the DNA specimens forwarded by law enforcement	209
agencies pursuant to division (B) (2) (a) or (b) of section	210
2933.82 of the Revised Code.	211
(J) The attorney general may develop procedures for	212
entering into the national DNA index system the DNA records	213
submitted pursuant to division (B) (1) of section 2901.07 of the	214
Revised Code. "	215
In line 1111, after "109.57" insert ", 109.573"	216

The motion was _____ agreed to.

SYNOPSIS

	217
Paternity actions	218
R.C. 109.753	219
Permits the superintendent of the Bureau of Criminal	220
Identification and Investigation to disclose any information	221
necessary to determine the existence of a parent child	222
relationship pursuant to a court order in any action to	223
determine paternity.	224