

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

565R0626

SENATE JUDICIARY ENGROSSED NO. **SB 132** - 2/11/2010

Introduced by: Senators Nelson, Adelstein, Bradford, Heidepriem, Jerstad, Rhoden, and Tieszen and Representatives Romkema, Hoffman, Kirkeby, Kopp, McLaughlin, Moser, Olson (Betty), Rounds, Solum, Turbiville, and Verchio

1 FOR AN ACT ENTITLED, An Act to permit the utilization of certain DNA samples to
2 determine parentage under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23-5A-17 be amended to read as follows:

5 23-5A-17. The analyses to be performed on each DNA sample collected pursuant to this
6 chapter shall be used only for law enforcement identification purposes ~~or~~, to assist in the
7 recovery or identification of human remains or missing persons, or subject to the conditions of
8 subdivision 23-5A-25(4). Analyses of DNA samples obtained pursuant to this chapter ~~is~~ are not
9 authorized for identification of any medical or genetic disorder.

10 Section 2. That § 23-5A-25 be amended to read as follows:

11 23-5A-25. Any DNA record or DNA sample submitted to the South Dakota State Forensic
12 Laboratory may only be released for the following authorized purposes:

13 (1) For law enforcement identification purposes, including the identification of human
14 remains, to federal, state, or local criminal justice agencies;



- 1 (2) For criminal defense and appeal purposes, to a defendant, who shall have access to
2 samples and analyses performed in connection with the case in which such defendant
3 is charged or was convicted; ~~and~~
- 4 (3) If personally identifiable information is removed, for forensic validation studies,
5 forensic protocol development or quality control purposes and for establishment or
6 maintenance of a population statistics database, to federal, state, or local forensic
7 laboratories or law enforcement agencies; and
- 8 (4) If ordered by the court for determination of parentage and if there is no other
9 available DNA sample and all other reasonable opportunities to locate a known
10 sample have been exhausted.