



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: August 25, 2020

TIME: 8:17 AM

WSR 20-18-019

Agency: Washington State Patrol

Title of rule and other identifying information: (describe subject) WAC 446-75-060 Collection of biological sample for the DNA identification system—Procedures—Time frame

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To provide another method of requesting copies of current procedures for collection of biological samples.

Reasons supporting proposal: The proposed rule changes will allow for social distancing, require no travel time and would reduce printing cost.

Statutory authority for adoption: RCW 43.43.759

Statute being implemented:

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Name of proponent: (person or organization)

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kimberly Mathis	106 11 th Avenue SW, Olympia, WA 98504	360-596-4017
Implementation:	Jennifer Burkdoll	2203 Airport Way S, Seattle, WA 98134	206-262-6002

Enforcement:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Ms. Kimberly Mathis

Agency: Washington State Patrol

Address: 106 11th Avenue SW, Olympia, WA 98504

Phone: 360-596-4017

Fax:

Email: wsprules@wsp.wa.gov

Other:

AND RECEIVED BY (date) November 2, 2020

Date: August 19, 2020

Name: John R. Batiste

Title: Chief

Signature:



AMENDATORY SECTION (Amending WSR 14-17-108, filed 8/19/14, effective 9/19/14)

WAC 446-75-060 Collection of biological sample for the DNA identification system—Procedures—Time frame. (1) The collection, preservation, and shipment of biological samples obtained from convicted offenders pursuant to RCW 43.43.754 for the patrol's DNA identification system must be in conformance with protocols established by the patrol. Copies of the current protocol may be obtained from the Washington State Patrol (~~Crime Laboratory Division,~~) CODIS Laboratory by emailing the request to confel@wsp.wa.gov or at 2203 Airport Way S., Suite 250, Seattle, WA 98134.

(2) The DNA profile resulting from the convicted offender's biological sample will be entered into the patrol's DNA identification system. The patrol will retain the convicted offender's DNA record in its DNA identification system until expungement pursuant to WAC 446-75-070 or the patrol determines that the DNA record no longer qualifies to be retained in the DNA identification system.