**17.175 Centralized database for DNA identification records -- Exemption from KRS 61.870 to 61.884 -- Expungement of information and destruction of DNA sample -- Penalty for unlawful use of DNA database identification system.**

(1) A centralized database of DNA (deoxyribonucleic acid) identification records for convicted or adjudicated offenders, crime scene specimens, unidentified human remains, missing persons, and close biological relatives of missing persons shall be established in the Department of Kentucky State Police under the direction, control, and supervision of the Department of Kentucky State Police forensic laboratory. The established system shall be compatible with the procedures set forth in a national DNA identification index to ensure data exchange on a national level.

(2) The purpose of the centralized DNA database is to assist federal, state, and local criminal justice and law enforcement agencies within and outside the Commonwealth in the identification, detection, or exclusion of individuals who are subjects of the investigation or prosecution of sex-related crimes, violent crimes, or other crimes and the identification and location of missing and unidentified persons.

(3) The Department of Kentucky State Police forensic laboratory shall receive, analyze, and classify DNA samples received from the Department of Corrections, the Department of Juvenile Justice, and other sources, and shall file the DNA results in the centralized databases for law enforcement identification and statistical purposes.

(4) DNA identification records produced from the samples are not public records but shall be confidential and used only for law enforcement purposes. DNA identification records shall be exempt from the provisions of KRS 61.870 to 61.884.

(5) A person whose DNA profile has been included in the data bank pursuant to this chapter may request expungement on the grounds that the conviction or adjudication on which the authority for including the DNA profile was based has been reversed and the case dismissed, or that the person successfully completed the pretrial diversion program under KRS 533.258 and the charges were dismissed-diverted. The Department of Kentucky State Police shall expunge all identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt of:

(a) A written request for expungement pursuant to this section; and

(b) Either:

1. A certified copy of the court order reversing and dismissing the conviction or adjudication; or

2. A certified copy of the court order deeming the charges dismissed-diverted.

(6) The cabinet shall promulgate administrative regulations necessary to carry out the provisions of the DNA database identification system to include procedures for collection of DNA samples and the database system usage and integrity.

(7) The Department of Kentucky State Police shall destroy all DNA samples that are not entered into the DNA database identification system.

(8) Any person who disseminates, receives, or otherwise uses or attempts to use information in the DNA database identification system, knowing that such dissemination, receipt, or use is for a purpose other than authorized by this section, shall be guilty of a Class D felony.

**Effective:** March 27, 2009

**History:** Repealed and reenacted 2009 Ky. Acts ch. 105, sec. 3, effective March 27, 2009. -- Amended 2008 Ky. Acts ch. 158, sec. 11, effective July 1, 2008. -- Amended 2007 Ky. Acts ch. 85, sec. 92, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 154, sec. 9, effective July 15, 2002. -- Created 1992 Ky. Acts ch. 175, sec. 2, effective July 14, 1992.

**Legislative Research Commission Note** (5/1/2003). KRS 17.177 (2002 Ky. Acts ch. 154, sec. 11) provides that "actual compliance with the provisions of [KRS 17.175 and four other KRS sections] may be delayed until funding is available for their full implementation. As a section is implemented, the Reviser of Statutes shall be notified by the Secretary of Justice, in writing, as to the date of implementation."

In a letter dated April 15, 2003, the Secretary of the Justice Cabinet notified the Reviser of Statutes that KRS 17.175 and the other four KRS sections have been implemented, effective May 1, 2003.