

HB 3093 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Jules Dellinger, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/25

WHAT THE MEASURE DOES:

The measure requires a law enforcement agency to obtain a DNA sample from those arrested for a person felony, a sex crime, or burglary in the first degree and to transfer the sample to the Department of State Police. It requires the collection to be done by persons with certain qualifications depending on whether it is blood-based or buccal. The measure makes certain exceptions to the requirement when, for example, a DNA sample for the person has already been obtained or obtaining the sample would present too great a risk. The measure permits a person whose DNA sample was collected to request destruction of the sample if the arrest that led to the collection resulted in an acquittal, order of dismissal, or reversal of conviction or if prosecution is not commenced within the statute of limitations. The measure requires the district attorney to notify the department that authority to retain the sample is rescinded if prosecution is not commenced within the statute of limitations.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 The amendment requires "an entity operating a local correctional facility" to collect the DNA sample rather than "a law enforcement agency" and requires a law enforcement officer arresting a person for the listed crimes to bring the person to the appropriate local correctional facility so that the DNA sample may be collected.

BACKGROUND:

According to the [National Conference on State Legislatures](#), 34 states and the federal government have laws that allow for the collection and analysis of persons arrested or charged, but not convicted, of certain crimes. For example, California permits DNA sample "collection from any adult person following arrest for a felony offense." Most states that collect DNA samples prior to conviction do so for felony crimes.