

HB 3093 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/25, 4/7

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 The measure requires the district attorney to notify the department that authority to retain the sample is rescinded if prosecution is not commenced within the statute of limitations.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:

- Levels of crimes that should be considered for DNA sample collection on arrest
- Effect of DNA collection on recidivism

EFFECT OF AMENDMENT:

-2 The amendment permits an arresting officer to forego the DNA sample collection it would present a risk to the health or safety of the arrested person or the arresting officer and permits the Department of State Police to ensure that information collected from an analysis of the DNA sample is entered into the appropriate databases of the Combined DNA Index System.

REVENUE: Revenue impact issued

FISCAL: Fiscal impact issued

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. Under current ORS 137.076, a person convicted of a felony must provide a blood or buccal sample to be submitted to the Department of State Police, but there is no such requirement on arrest.

[CODIS](#) is an acronym for Combined DNA Index System, which is a computer software program that operates local, state, and national databases of DNA profiles from convicted offenders, unsolved crime scene evidence, and missing persons.