

## UTAH



State legislatures consider and enact laws that address the administration and use of forensic science by state justice systems. Issues addressed in these measures include the delegation of oversight responsibilities for forensic services, accreditation standards for forensic laboratories, access to post-conviction DNA testing, the collection and analysis of DNA samples from arrested and convicted individuals and procedures for eyewitness identification. Following is information on this state's legislative activity on forensic science issues. More information on forensic science policy from all 50 states and the District of Columbia is available on the NCSL [forensic science page](#).



### **Administration of State Forensic Services** .....§§ 53-10-402, 406

The state administers its forensic services through the Utah Bureau of Forensic Services.

### **Convicted Offender DNA Analysis** .....§§ 53-10-403, 403.5, 404

People convicted of any felony or sex crime misdemeanor must submit a DNA sample to state officials. The state also collects DNA for those convicted of class A misdemeanors. Sample collection applies to juveniles.

### **Arrestee DNA Analysis** .....§§ 53-10-403, 404.5, 406

People arrested for violent felonies and other enumerated felonies must submit a DNA sample to state officials. A probable cause hearing is required before a judge or grand jury, but the sample can be collected before the hearing (at booking). The sample can be analyzed following the probable cause determination or indictment. Expungement of the sample is automatic if criminal charges are not filed within 90 days after booking. Sample collection does not apply to juveniles. The Bureau of Forensic Sciences must make rules for obtaining, transmitting, analyzing, storing, and destroying DNA samples.

### **Post Conviction DNA Analysis** .....§§ 78B-9-301 through 304

The state allows an individual convicted of a felony to apply for post-conviction DNA testing. Their application must assert the test has potential to produce new, noncumulative evidence of factual innocence.