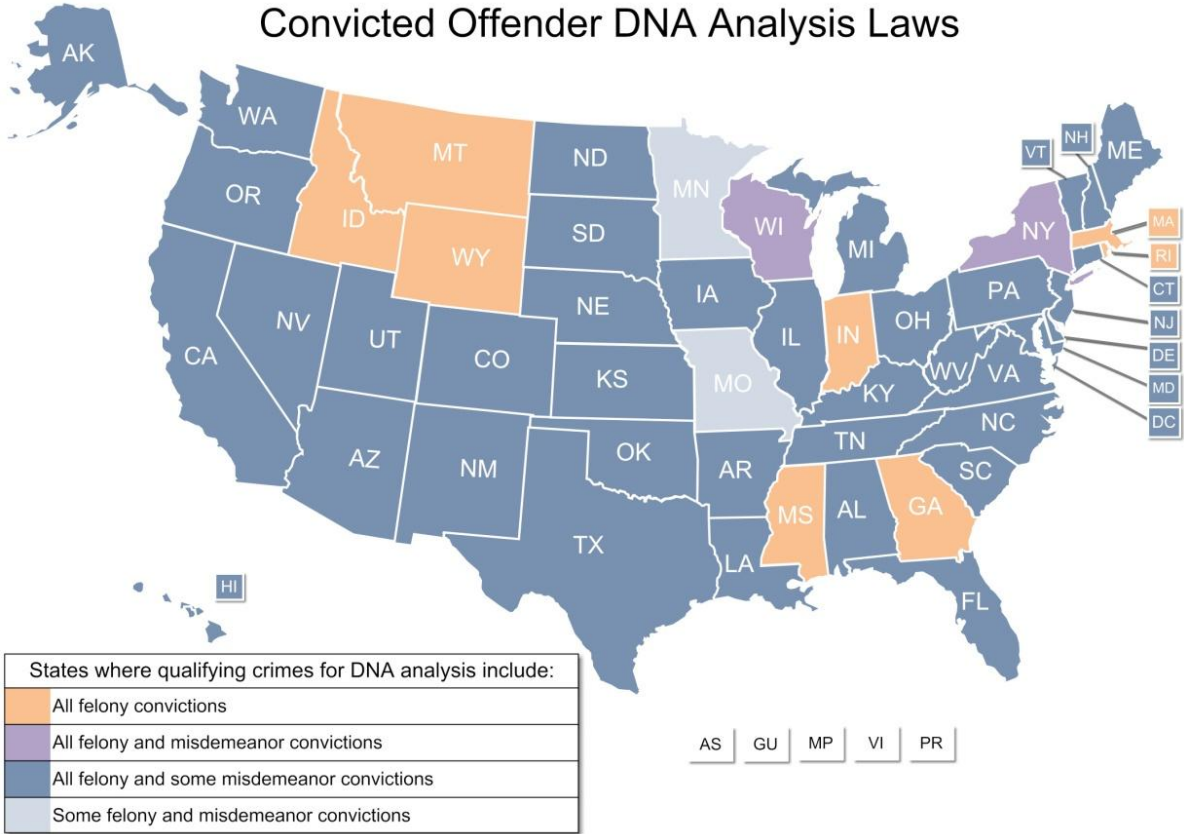


National Conference of State Legislatures

~ Convicted Offenders Required to Submit DNA Samples ~

Every state, the District of Columbia and the federal government, collects and tests DNA from individuals convicted of certain crimes. Forty eight states require the collection of DNA for any felony conviction and 42 states require the collection of samples for at least some misdemeanor convictions. New York and Wisconsin have the broadest convicted offender collection policies, taking samples from those convicted of *all* felonies and misdemeanors.

While misdemeanor collection does not stir the same privacy debate as arrestee sampling policies and familial DNA searches, it does expand the number of samples collected and can significantly affect forensic laboratory workloads.



New York, for example, has expanded the crimes for which they collect DNA five times since they began using the technology in 1994, and, except for minor marijuana possession crimes, is currently the only state collecting samples for all misdemeanor convictions. (Wisconsin has enacted a law, but does not begin collecting samples for all misdemeanors until March 1, 2015.) Prior to their last expansion to include all misdemeanors, which took effect August 1, 2012, offenders in the state linked to crimes through DNA averaged three prior non-qualifying convictions before they committed their crime that required DNA sample submission.

New York's Division of Criminal Justice Services [tracks statistics and outcomes](#) for DNA sample submissions, including [hits that resulted](#) from their different expansions. Additionally, they highlight [case specific benefits](#) and provide an [interactive map](#) showing the impact of DNA analysis. Also, for each expansion, they provided lawmakers with an analysis of laboratory capacity and how it would be impacted by increased sample submission.

Recent Legislation

In 2013, Wisconsin expanded their collection policies (AB 40) to include all crimes and Iowa (HB 527) added aggravated misdemeanors to the list of crimes for which they collect DNA samples.

State & Statute	Which Felonies Require a Sample?	Includes Juveniles	Sex Crime Misdemeanors	Other Misdemeanors
Alabama § 36-18-25	All Felonies	X	X	Offenses Involving Danger to the Person
Alaska § 44.41.035	All Felonies	X	X	
Arizona § 13-610	All Felonies	X	X	
Arkansas §§ 12-12-1109, 1103, 9-27-357	All Felonies	X	X	
California Penal Code § 296	All Felonies	X	X	
Colorado § 16-23-103	All Felonies	X	X	
Connecticut § 54-102g	All Felonies		X	
Delaware Tit. 29 § 4713	All Felonies		X	Offenses relating to children and vulnerable adults
District of Columbia § 22-4151	All Felonies		X	
Florida § 943.325	All Felonies	X	X	Stalking, Voyeurism, Certain acts in connection with obscene materials, gang-related offenses
Georgia § 35-3-160	All Felonies	X		
Hawaii §§ 844D-31, 39	All Felonies		X	
Idaho § 29-5506	All Felonies	If tried as an adult		
Illinois 730 § 5/5-4-3	All Felonies	X	X	
Indiana § 10-13-6-10	All Felonies			
Iowa Tit. III § 81.2	All Felonies	X	X	Aggravated misdemeanors effective July 1, 2014

State & Statute	Which Felonies Require a Sample?	Includes Juveniles	Sex Crime Misdemeanors	Other Misdemeanors
Kansas § 21-2511	All Felonies	X	X	Cruelty to animals, criminal restraint, promoting the sale of sexual relations, buying sexual relations when one party is under 18
Kentucky § 17.170	All Felonies	X	X	
Louisiana §§ 15-609, 603	All Felonies	X	X	Battery of a police officer, school teacher, recreation athletic contest official or correctional officer, simple battery, battery of a child welfare worker, simple battery of the infirm, unlawful use of laser on police officer, simple assault, assault on a school teacher, stalking, identity theft, prostitution, soliciting or enticing prostitution, hate crimes, peeping tom, inciting to riot
Maine Tit. 25 § 1574	All Felonies	Enumerated offenses (murder, felony murder, manslaughter, aggravated assault, gross sexual assault, unlawful sexual contact, kidnapping, criminal restraint, burglary, robbery, arson, aggravated criminal mischief, causing a catastrophe)	X	
Maryland Public Safety § 2-504	All Felonies		X	Burglary in the fourth degree, breaking and entering motor vehicle
Massachusetts Ch. 22E, § 3	All Felonies	X		
Michigan § 750.520m	All Felonies	X	X	
Minnesota § 299C.105	Murder, manslaughter, assault, robbery, kidnapping, false imprisonment, criminal sexual	X	X	

State & Statute	Which Felonies Require a Sample?	Includes Juveniles	Sex Crime Misdemeanors	Other Misdemeanors
	conduct, incest, burglary, indecent exposure			
Mississippi § 47-5-183	All Felonies			
Missouri § 650.055	Offenses against the person, sexual offenses, prostitution, offenses against the family, pornography and related offenses		X	
Montana § 44-6-103	All Felonies	Sexual or violent offenses		
Nebraska §§ 29-4106, 4103	All Felonies		X	Stalking, false imprisonment, knowing and intentional sexual abuse of a vulnerable adult
Nevada § 176.0913	All Felonies		X	Crime against a child, abuse of neglect of an older person or a vulnerable person, second or subsequent offense for stalking
New Hampshire § 651-C:2	All Felonies		X	Offense against a child
New Jersey §§53:1-20.20, 2C:1-4	All Felonies	X	X	Any offense punishable by more than six months imprisonment (not a disorderly persons offense)
New Mexico §§ 29-16-6, 3	All Felonies	Convicted as an adult	X	
New York Exec. Law §§ 995-C, 995	All Felonies		X	Any misdemeanor defined in the penal law
North Carolina § 15A-266.4	All Felonies		X	Assaults on handicapped persons, stalking
North Dakota § 31-13-03	All Felonies		X	
Ohio § 2901.07	All Felonies		X	
Oklahoma	All Felonies		X	Subject to availability of funds: assault and battery,

State & Statute	Which Felonies Require a Sample?	Includes Juveniles	Sex Crime Misdemeanors	Other Misdemeanors
Tit. 74 Ch. 5 § 150.27a				domestic abuse, stalking, possession of controlled substance prohibited under Schedule IV, outraging public decency, resisting arrest, escape or attempting to escape or elude a police officer, peeping tom, pointing a firearm, unlawful carry of a firearm, illegal transport of a firearm, discharging of a firearm, threatening an act of violence, breaking and entering a dwelling place, destruction of property, negligent homicide, or causing a personal injury accident while driving under the influence of any intoxicating substance
Oregon §§ 137.076, 419C.473	All Felonies	Enumerated felonies	X	
Pennsylvania Tit. 44 §§ 2316, 2303	All Felonies	X	X	
Rhode Island § 12-1.5-8	All Felonies			
South Carolina § 23-3-620	All Felonies	X	X	Eavesdropping, peeping, stalking
South Dakota §§ 23-5A-1, 4, 5	All Felonies	X	X	
Tennessee § 40-35-321	All Felonies	X	X	
Texas Govt. Code Ann. § 411.1471	All Felonies		X	
Utah §§ 53-10-403, 403.5, 404	All Felonies	X	X	Class A misdemeanors
Vermont Tit. 20 §§ 1932, 1933	All Felonies		X	Domestic assault
Virginia § 19.2-310.2	All Felonies	X	X	

State & Statute	Which Felonies Require a Sample?	Includes Juveniles	Sex Crime Misdemeanors	Other Misdemeanors
Washington § 43.43.754	All Felonies	X	X	
West Virginia § 15-2B-6	All Felonies	X	X	Child abuse misdemeanors
Wisconsin § 973.047	All Felonies	X	X	All misdemeanors
Wyoming § 7-19-403	All Felonies			

Source: National Conference of State Legislature, 2013.