

Table 1. DNA Arrestee Laws

State/Jurisdiction <sup>1</sup>	Statute	Probable Cause Required	Qualifying Offenses	Effective Dates (if after 1/1/2010)	Time of Collection	Expungement	Notes on Collection	Specifically Includes Juveniles
Alabama	H.B. 146(2009) effects Ala. Code §36-18-24 (2009)		All felony offenses	Oct. 1, 2010	At booking	Upon request		
Alaska	Alaska Stat. §44.41.035		All felony offenses		At booking	Automatic		
Arizona	Ariz. Rev. Stat. §13-610 (2009)	Statute differentiates qualifying crimes for those arrested and charged.	Enumerated dangerous, violent and serious offenses murder, sex crimes, burglary)		At booking	Upon request		
Arkansas	Ark. Stat. Ann. §§12-12-1006,1105 (2009)		Enumerated offenses including murder, sex crimes and kidnapping		At booking	Upon request		
California	Cal. Penal Code §§296, 296.1, 299 (West 2009)		All felony offenses		At booking	Upon request		
Colorado	Colo. Rev. Stat. §§16-23-103 (2009)	Probable cause is required to upload the sample, but not for it to be taken.	All felony offenses		At booking	Upon request		
Florida	Fla. Stat. §943.325 (2009)		All felony offenses	Progressively more felonies with all included by Jan. 1, 2019	At booking	Upon request	Rules and procedures to be developed by the Department of Law Enforcement	Yes
Kansas	Kan. Stat. Ann. §21-2511 (2009)		All felony offenses		At booking	Upon request		Yes
Louisiana	La. Rev. Stat. Ann. §15:609 (West 2009)		All felony offenses		At booking	Upon request		Yes
Maryland	Md. Public Safety Code Ann. §2-501,504(2009)	Yes	A crime of violence or an attempt to commit a crime of violence or burglary or an attempt to commit burglary. (murder, sex crimes included)	Dec. 31, 2013	At booking	The DNA sample shall be immediately destroyed	Personnel who collect samples must be appointed by Director and properly trained.	
Michigan	Mich. Comp. Laws §750.520m (2009)		Enumerated "violent felonies" (murder, sex crimes)		At booking	Upon request	Collect and transmit the samples in the manner required under the DNA identification profiling system act	

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Minnesota	Minn. Stat. §§299C.11,.105 (2009)	Yes	Enumerated offenses including murder, manslaughter, assault, sex crimes, burglary etc.		At arraignment after probable cause determination	Where the charge against the person was later dismissed, the bureau shall destroy the person's biological specimen and return all records to the individual.	The persons who collect specimens must be trained in bureau-established standards for collection	Yes
Missouri	Mo. Rev. Stat. §650.055 (2009)	Yes, but the sample can be taken before	Enumerated offenses including murder, burglary, sexually violent acts etc.		Upon booking or entry into a jail facility	When the state highway patrol crime laboratory receives notice it will expunge the sample	Procedures cannot conflict with the rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system	
New Mexico	N.M. Stat. Ann. §29-3-10(1978)		Felonies as defined as sex offenses or any other felony offense that involves death, great bodily harm, aggravated assault, kidnapping, burglary, larceny, robbery, aggravated stalking, use of a firearm or an explosive or a violation pursuant to the Antiterrorism Act.		At booking	Upon request	Samples shall be collected in accordance with rules and procedures adopted by the DNA oversight committee, shall be subject to the confidentiality and penalty provisions of the DNA Identification Act	
North Carolina	N.C. House Bill 1403 (2010) amends N.C. Gen. Stat. §§15A-266.3A, 502A		First and second degree murder; manslaughter; rape; sex offenses; cyberstalking; stalking; arson; armed robbery; assault inflicting serious bodily injury etc. Also includes arrests for attempt, conspiracy, and aiding and abetting these crimes.					
North Dakota	N.D. Cent. Code §31-13-03 (2009)		All felony offenses		At booking	Upon request		
Ohio	Senate Bill 77 (2010) modifying Ohio Rev. Code. Ann. §§2901.07(Page 2009)		All felony offenses	July 1, 2011	During intake process		Enumerated staff requirements for who may take the sample.	
South Carolina	S.C. Code Ann. §23-3-620 (Law. Co-op 2009)		All felony offenses		At booking	Automatic	Appropriately trained persons will take samples	Yes
South Dakota	S.D. Codified Laws Ann. §§23-5A-5.2,5A-1(2009)		All felony offenses/crimes of violence and other enumerations		At booking	Upon request		

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Tennessee	Tenn. Code. Ann. §40-35-321(2009)	Yes	Enumerated violent felonies - murder, sex crimes, burglary		After the Magistrates determination of probable cause	Upon charges being dismissed the department shall destroy the sample and all records of the sample		
Texas	Tex. Government Code Ann. §411.1471(Vernon 2009)	Depends on previous convictions	Indictment for enumerated felonies or arrested for enumerated felonies after having committed one previously		At arraignment and at booking depending upon previous criminal histories	Automatic		
Utah	Senate Bill 277 (2010) modifying Utah Code Ann. §53-10-403(2009).		All violent felonies	Jan. 1, 2011	At booking	If criminal charges are not filed within 90 days of booking, the department must destroy the sample.	Requires consistency with FBI forensic DNA analysis procedures	
Vermont	Vt. Stat. Ann. Tit. 20 §§1932 ,1933 (2009)	Yes	All felony offenses	July 1, 2011	At arraignment	Automatic		
Virginia	Va. Code. §19.2-310.2:1 (2009)	Yes	Person arrested for the commission or attempted commission of a violent felony as defined in statute - murder, sex crimes, burglary		At arraignment	Automatic. If the charge for which the sample was taken is dismissed or the defendant is acquitted at trial, the department shall destroy the sample and all records thereof, provided there is no other pending qualifying warrant or copies for an arrest or felony conviction that would otherwise require that the sample remain in the data bank.		

Note

1. States or jurisdictions that are not included have no such provisions.

Source: National Conference of State Legislatures, 2010.