

SB0140S01 compared with SB0140

~~{Omitted text}~~ shows text that was in SB0140 but was omitted in SB0140S01

inserted text shows text that was not in SB0140 but was inserted into SB0140S01

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Law Enforcement DNA Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor:

LONG TITLE

General Description:

This bill addresses the collection and analyzing of DNA by law enforcement.

Highlighted Provisions:

This bill:

- ~~{adds individuals who have committed any misdemeanor offense described in Title 76, Chapter 5, Offenses Against the Individual, and have been booked into a county jail on the offense to the list of individuals from whom the sheriff is required to collect a DNA specimen;}~~

- amends when a DNA specimen for an individual taken at the time of booking may be processed to include, among other circumstances, allowing the processing of the individual's DNA 60 days after the day on which a warrant of arrest has been issued for the individual if the warrant was issued after the individual was booked and the warrant is still outstanding; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

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19 AMENDS:

24 ~~{53-10-403, as last amended by Laws of Utah 2024, Chapters 96, 153, 187, and 256, as last
amended by Laws of Utah 2024, Chapters 96, 153, 187, and 256}~~

20 **53-10-404.5**, as last amended by Laws of Utah 2022, Chapter 113, as last amended by Laws of
Utah 2022, Chapter 113

21

22 *Be it enacted by the Legislature of the state of Utah:*

28 ~~{Section 1. Section 53-10-403 is amended to read: }~~

29 **53-10-403. DNA specimen analysis -- Application to offenders, including minors.**

30 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:

31 (a) a person who has pled guilty to or has been convicted of any of the offenses under Subsection (2)(a)
or (b) on or after July 1, 2002;

33 (b) a person who has pled guilty to or has been convicted by any other state or by the United States
government of an offense which if committed in this state would be punishable as one or more of
the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;

37 (c) a person who has been booked on or after January 1, 2011, through December 31, 2014, for any
offense under Subsection (2)(c);

39 (d) a person who has been booked:

40 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13, 2014, through
December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense;[-or]

43 (ii) on or after January 1, 2015, for any felony offense; or

44 (iii) on or after May 7, 2025, for any misdemeanor offense described in Title 76, Chapter 5, Offenses
Against the Individual; or

46 (e) a minor:

47 (i)

. (A) who is adjudicated by the juvenile court for an offense described in Subsection (2) that is within the
jurisdiction of the juvenile court on or after July 1, 2002; or

50 (B) who is adjudicated by the juvenile court for an offense described in Subsection (2) and is in the
legal custody of the Division of Juvenile Justice Services for the offense on or after July 1, 2002;
and

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- (ii) who is 14 years old or older at the time of the commission of the offense described in Subsection (2).
- 55 (2) Offenses referred to in Subsection (1) are:
- 56 (a) any felony~~[-or]~~, class A misdemeanor under the Utah Code, or any misdemeanor offense described
in Title 76, Chapter 5, Offenses Against the Individual;
- 58 (b) any offense under Subsection (2)(a):
- 59 (i) for which the court enters a judgment for conviction to a lower degree of offense under Section
76-3-402; or
- 61 (ii) regarding which the court allows the defendant to enter a plea in abeyance as defined in Section
77-2a-1; or
- 63 (c)
- . (i) any violent felony as defined in Section 53-10-403.5;
- 64 (ii) sale or use of body parts, Section 26B-8-315;
- 65 (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;
- 66 (iv) operating a motor vehicle with any amount of a controlled substance in an individual's body and
causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter
236, Section 1, Subsection 58-37-8(2)(g);
- 70 (v) a felony violation of enticing a minor, Section 76-4-401;
- 71 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 72 (vii) a felony violation of propelling a substance or object at a correctional officer, a peace officer, or an
employee or a volunteer, including health care providers, Section 76-5-102.6;
- 75 (viii) automobile homicide, Subsection 76-5-207(2)(b);
- 76 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human smuggling, Section
76-5-310.1;
- 78 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 79 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 80 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 81 (xiii) sale of a child, Section 76-7-203;
- 82 (xiv) aggravated escape, Section 76-8-309.3;
- 83 (xv) a felony violation of threatened or attempted assault on an elected official, Section 76-8-313;
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- (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
- 88 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.2;
- 92 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.4;
- 96 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.6;
- 100 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 101 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 102 (xxii) a felony violation of sexual battery, Section 76-9-702.1;
- 103 (xxiii) a felony violation of lewdness involving a child, Section 76-9-702.5;
- 104 (xxiv) a felony violation of abuse or desecration of a dead human body, Section 76-9-704;
- 106 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section 76-10-402;
- 108 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction, Section 76-10-403;
- 110 (xxvii) possession of a concealed firearm in the commission of a violent felony, Subsection 76-10-504(4);
- 112 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon, Subsection 76-10-1504(3);
- 114 (xxix) commercial obstruction, Subsection 76-10-2402(2);
- 115 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section 77-41-107;
- 117 (xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or
- 118 (xxxii) violation of condition for release after arrest under Section 78B-7-802.

23 Section 1. Section **53-10-404.5** is amended to read:

24 **53-10-404.5. Obtaining DNA specimen at time of booking -- Payment of fee upon conviction.**

122 (1)

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- (a) When a sheriff books a person for any offense under Subsections 53-10-403(1)(c) and (d), the sheriff shall:
- 124 (i) except as provided in Subsection (1)(b), obtain a DNA specimen from the person upon booking
of the person at the county jail; and
- 126 (ii) provide the person, in a manner the bureau specifies, notice of the process described in
Subsection 53-10-406(6)(b) to request destruction of the DNA specimen and removal of the
person's DNA record from the database described in Subsection 53-10-406(1)(d).
- 130 (b) If at the time of booking the sheriff is able to obtain information from the bureau stating that the
bureau has received a DNA specimen for the person and the sample analysis is either in process or
complete, the sheriff is not required to obtain an additional DNA specimen.
- 134 (c) If at the time of booking the sheriff is able to obtain information from the bureau stating that the
bureau has received a DNA specimen for the person and the sample analysis is pending, the sheriff
may obtain an additional DNA specimen.
- 137 (2) The person booked under Subsection (1) shall pay a fee of \$150 for the cost of obtaining the DNA
specimen if:
- 139 (a) the charge upon which the booking is based is resolved by a conviction or the person is convicted
of any charge arising out of the same criminal episode regarding which the DNA specimen was
obtained; and
- 142 (b) the person's DNA sample is not on file under Subsection (1)(b).
- 143 (3)
- . (a) All fees collected under Subsection (2) shall be deposited into the DNA Specimen Restricted
Account created in Section 53-10-407, except that the agency collecting the fee may retain not more
than \$25 per individual specimen for the costs of obtaining the DNA specimen.
- 147 (b) The agency collecting the \$150 fee may not retain from each separate fee more than \$25, and no
amount of the \$150 fee may be credited to any other fee or agency obligation.
- 150 (4) Any DNA specimen obtained under this section shall be held and may not be processed until:
- 152 (a) the court has bound the person over for trial following a preliminary hearing for any charge arising
out of the same criminal episode regarding which the person was booked;
- 155 (b) the person has waived the preliminary hearing for any charge arising out of the same criminal
episode regarding which the person was booked;

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- (c) a grand jury has returned an indictment for any charge arising out of the same criminal episode regarding which the person was booked; or
- 159 (d) for a DNA specimen obtained before, on, or after May 7, 2025, sixty days has passed after [the
issuance of an arrest warrant for failure to appear, provided] the day on which any warrant of arrest
has been issued for the person if:
- 162 (i) the warrant of arrest has been issued after the person's DNA specimen has been obtained; and
- 164 (ii) the warrant of arrest is still outstanding[-or has not been recalled].

69 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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