

Law Enforcement DNA Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

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

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

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

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

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

Section 1. Section **53-10-403** is amended to read:

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

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

(a) a person who has pled guilty to or has been convicted of any of the offenses under

- 32 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
34 United States government of an offense which if committed in this state would be
35 punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after
36 July 1, 2003;
- 37 (c) a person who has been booked on or after January 1, 2011, through December 31,
38 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
41 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any
42 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,
45 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
48 Subsection (2) that is within the jurisdiction of the juvenile court on or after
49 July 1, 2002; or
- 50 (B) who is adjudicated by the juvenile court for an offense described in
51 Subsection (2) and is in the legal custody of the Division of Juvenile Justice
52 Services for the offense on or after July 1, 2002; and
- 53 (ii) who is 14 years old or older at the time of the commission of the offense
54 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
57 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
60 under Section 76-3-402; or
- 61 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
62 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
67 individual's body and causing serious bodily injury or death, as codified before
68 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8
69 (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
73 peace officer, or an employee or a volunteer, including health care providers,
74 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
77 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,
84 Section 76-8-313;
- 85 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or
86 a member of the Board of Pardons and Parole or acting against a family member
87 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
89 or a member of the Board of Pardons and Parole or acting against a family
90 member of a judge or a member of the Board of Pardons and Parole, Section
91 76-8-316.2;
- 92 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
93 against a judge or a member of the Board of Pardons and Parole or acting against
94 a family member of a judge or a member of the Board of Pardons and Parole,
95 Section 76-8-316.4;
- 96 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate
97 against a judge or a member of the Board of Pardons and Parole or acting against
98 a family member of a judge or a member of the Board of Pardons and Parole,
99 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
105 76-9-704;
106 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section
107 76-10-402;
108 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
109 Section 76-10-403;
110 (xxvii) possession of a concealed firearm in the commission of a violent felony,
111 Subsection 76-10-504(4);
112 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon,
113 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
116 77-41-107;
117 (xxxii) 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.

119 Section 2. Section **53-10-404.5** is amended to read:

120 **53-10-404.5 . Obtaining DNA specimen at time of booking -- Payment of fee upon**
121 **conviction.**

- 122 (1)(a) When a sheriff books a person for any offense under Subsections 53-10-403(1)(c)
123 and (d), the sheriff shall:
- 124 (i) except as provided in Subsection (1)(b), obtain a DNA specimen from the person
125 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
127 described in Subsection 53-10-406(6)(b) to request destruction of the DNA
128 specimen and removal of the person's DNA record from the database described in
129 Subsection 53-10-406(1)(d).
- 130 (b) If at the time of booking the sheriff is able to obtain information from the bureau
131 stating that the bureau has received a DNA specimen for the person and the sample
132 analysis is either in process or complete, the sheriff is not required to obtain an
133 additional DNA specimen.

- 134 (c) If at the time of booking the sheriff is able to obtain information from the bureau
135 stating that the bureau has received a DNA specimen for the person and the sample
136 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
138 the DNA specimen if:
- 139 (a) the charge upon which the booking is based is resolved by a conviction or the person
140 is convicted of any charge arising out of the same criminal episode regarding which
141 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
144 Specimen Restricted Account created in Section 53-10-407, except that the agency
145 collecting the fee may retain not more than \$25 per individual specimen for the costs
146 of obtaining the DNA specimen.
- 147 (b) The agency collecting the \$150 fee may not retain from each separate fee more than
148 \$25, and no amount of the \$150 fee may be credited to any other fee or agency
149 obligation.
- 150 (4) Any DNA specimen obtained under this section shall be held and may not be processed
151 until:
- 152 (a) the court has bound the person over for trial following a preliminary hearing for any
153 charge arising out of the same criminal episode regarding which the person was
154 booked;
- 155 (b) the person has waived the preliminary hearing for any charge arising out of the same
156 criminal episode regarding which the person was booked;
- 157 (c) a grand jury has returned an indictment for any charge arising out of the same
158 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
160 after [the issuance of an arrest warrant for failure to appear, provided] the day on
161 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
163 obtained; and
- 164 (ii) the warrant of arrest is still outstanding[- or has not been recalled].

165 Section 3. **Effective Date.**

166 This bill takes effect on May 7, 2025.