

Jen Plumb proposes the following substitute bill:

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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:

▸ 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:

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

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

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

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

(1)(a) When a sheriff books a person for any offense under Subsections 53-10-403(1)(c) and (d), the sheriff shall:

(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

- 30 (ii) provide the person, in a manner the bureau specifies, notice of the process
31 described in Subsection 53-10-406(6)(b) to request destruction of the DNA
32 specimen and removal of the person's DNA record from the database described in
33 Subsection 53-10-406(1)(d).
- 34 (b) If at the time of booking the sheriff is able to obtain information from the bureau
35 stating that the bureau has received a DNA specimen for the person and the sample
36 analysis is either in process or complete, the sheriff is not required to obtain an
37 additional DNA specimen.
- 38 (c) If at the time of booking the sheriff is able to obtain information from the bureau
39 stating that the bureau has received a DNA specimen for the person and the sample
40 analysis is pending, the sheriff may obtain an additional DNA specimen.
- 41 (2) The person booked under Subsection (1) shall pay a fee of \$150 for the cost of obtaining
42 the DNA specimen if:
- 43 (a) the charge upon which the booking is based is resolved by a conviction or the person
44 is convicted of any charge arising out of the same criminal episode regarding which
45 the DNA specimen was obtained; and
- 46 (b) the person's DNA sample is not on file under Subsection (1)(b).
- 47 (3)(a) All fees collected under Subsection (2) shall be deposited into the DNA Specimen
48 Restricted Account created in Section 53-10-407, except that the agency collecting
49 the fee may retain not more than \$25 per individual specimen for the costs of
50 obtaining the DNA specimen.
- 51 (b) The agency collecting the \$150 fee may not retain from each separate fee more than
52 \$25, and no amount of the \$150 fee may be credited to any other fee or agency
53 obligation.
- 54 (4) Any DNA specimen obtained under this section shall be held and may not be processed
55 until:
- 56 (a) the court has bound the person over for trial following a preliminary hearing for any
57 charge arising out of the same criminal episode regarding which the person was
58 booked;
- 59 (b) the person has waived the preliminary hearing for any charge arising out of the same
60 criminal episode regarding which the person was booked;
- 61 (c) a grand jury has returned an indictment for any charge arising out of the same
62 criminal episode regarding which the person was booked; or
- 63 (d) for a DNA specimen obtained before, on, or after May 7, 2025, sixty days has passed

64 after [~~the issuance of an arrest warrant for failure to appear, provided~~] the day on
65 which any warrant of arrest has been issued for the person if:

66 (i) the warrant of arrest has been issued after the person's DNA specimen has been
67 obtained; and

68 (ii) the warrant of arrest is still outstanding[~~or has not been recalled~~].

69 Section 2. **Effective Date.**

70 This bill takes effect on May 7, 2025.