

**Effective 5/13/2014**

**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 obtain a DNA specimen from the person upon booking of the person at the county jail, except under Subsection (1)(b).
  - (b) If at the time of booking the sheriff is able to obtain information from the bureau stating that the bureau has on file a DNA specimen for the person, the sheriff is not required to obtain an additional DNA specimen.
- (2) The person booked under Subsection (1) shall pay a fee of \$150 for the cost of obtaining the DNA specimen if:
  - (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
  - (b) the person's DNA sample is not on file under Subsection (1)(b).
- (3)
  - (a) All fees collected under Subsection (2) shall be deposited in 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.
  - (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.
- (4) Any DNA specimen obtained under this section shall be held and may not be processed until:
  - (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;
  - (b) the person has waived the preliminary hearing for any charge arising out of the same criminal episode regarding which the person was booked; or
  - (c) a grand jury has returned an indictment for any charge arising out of the same criminal episode regarding which the person was booked.

Amended by Chapter 331, 2014 General Session