

**DEOXYRIBONUCLEIC ACID AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows a sheriff to request a voluntary DNA sample from a person who is booked for an offense for which DNA collection is not mandatory.

**Highlighted Provisions:**

This bill:

- ▶ allows a sheriff to request a voluntary DNA sample from certain persons arrested for minor offenses; and
- ▶ waives the fee if the person agrees.

**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 2014, Chapter 331

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*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.**



28 (1) (a) When a sheriff books a person for any offense under Subsections  
29 53-10-403(1)(c) and (d), the sheriff shall obtain a DNA specimen from the person upon  
30 booking of the person at the county jail, except under Subsection (1)(b).

31 (b) If at the time of booking the sheriff is able to obtain information from the bureau  
32 stating that the bureau has on file a DNA specimen for the person, the sheriff is not required to  
33 obtain an additional DNA specimen.

34 (2) The person booked under Subsection (1) shall pay a fee of \$150 for the cost of  
35 obtaining the DNA specimen if:

36 (a) the charge upon which the booking is based is resolved by a conviction or the  
37 person is convicted of any charge arising out of the same criminal episode regarding which the  
38 DNA specimen was obtained; and

39 (b) the person's DNA sample is not on file under Subsection (1)(b).

40 (3) When a sheriff books a person for any offense other than an offense under  
41 Subsections 53-10-403(1)(c) and (d), the sheriff shall request that the person voluntarily  
42 provide a DNA specimen.

43 (a) The request, and the person's response, shall be documented by the booking agency.

44 (b) If the person voluntarily provides a DNA specimen, the fee in Subsection (2) shall  
45 be waived.

46 (c) A DNA specimen collected under this Subsection (3) may be processed at any time.

47 ~~[(3)]~~ (4) (a) All fees collected under Subsection (2) shall be deposited in the DNA  
48 Specimen 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 obtaining the  
50 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 obligation.

53 ~~[(4) Any]~~ (5) Except for a DNA specimen obtained in accordance with Subsection (3),  
54 any DNA specimen obtained under this section shall be held and may not be processed until:

55 (a) the court has bound the person over for trial following a preliminary hearing for any  
56 charge arising out of the same criminal episode regarding which the person was booked;

57 (b) the person has waived the preliminary hearing for any charge arising out of the  
58 same criminal episode regarding which the person was booked; or

59 (c) a grand jury has returned an indictment for any charge arising out of the same  
60 criminal episode regarding which the person was booked.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**