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To: Idaho Law Enforcement Agencies, Prosecutors, Public Defenders

From: Matthew Gamette, ISP Forensic Services Laboratory System Director

Subject: Changes on July 1, 2026, due to passage of SB 1226

Date: April 10, 2026

This is notification of changes on July 1, 2026, due to passage of SB 1226 and a request for your assistance.

The Idaho Legislature passed SB 1226 this session which made some changes to the Idaho DNA Collection Act (IC 19-Chapter 55) to address problems that led to thousands of convicted felons not having their lawfully owed collections performed. These changes go into effect on July 1, 2026. In an effort to assist Idaho criminal justice professionals in understanding and implementing the new statute, ISPFs is providing this briefing:

- 1) The primary change within the statute is the repeal and replacement of Idaho code 55-5507. The new section more clearly defines a time frame and responsibilities for DNA collection. While there are other important details in this statute, there are four courses of action we wanted to highlight following a conviction:
 - One (IC 19-5507 (2)), a motion can be made by a Prosecutor for an order to collect DNA **prior to sentencing**.
 - Two (IC 19-5507 (3)(a)), subjects in custody **must provide a DNA sample at the facility they are incarcerated** in **OR** (for those not in custody) **the court orders collection from an Idaho State Police designated collection site in the appropriate county**.
 - Three (IC 19-5507 (3)(b)), for those committed to county jails or other local detention facilities, the court shall order collection by those facilities **no later than 10 days after the subject's arrival** at the facility.
 - Four (IC 19-5507(3)(c)), for those committed to an IDOC facility, DNA collection will be made by IDOC **no later than 10 days after arrival** at that facility.
- 2) The second change outlined in the statute is the addition of two misdemeanor crimes (IC 19-5502 (10) to the listed offences that qualify for DNA collection. They are, 18-918 (**misdemeanor domestic violence**) and 18-924 (**misdemeanor sexual battery**). The individuals must be convicted of these crimes for DNA to be collected.

Recently, the Idaho Supreme Court began setting guidelines for the courts to comply with SB 1226. They asked ISPFs about the ISP designated collections sites in each county. Last year, we reached out to each county to ascertain if the county had a designated collection site or if we would need to collaborate to ensure one was designated. 11 of 44 counties responded to our collection site inquiry. As this law has now passed, ISPFs will

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be reaching out to each county again to discuss designated collection sites in each county jurisdiction.

These collection sites should be public facing locations where a lawfully owing convicted person (not in custody) could go to provide a DNA sample to comply with Idaho Code 19-5506. Each county does already have an established location where DNA is collected for this program. It is the county Sex Offender Registry office. Some counties have also considered their Pre-Trial Services as appropriate for this collection. While safety is a paramount concern, it is not necessary for the collectors of these samples to be law enforcement personnel if that is how county and local officials decide to implement this program. The location for these collections in each county is entirely up to the county and local leadership to decide.

However, **ISPFS needs this information from the counties in order to list the county designated location as the “approved” collection facility.** The ISP DNA Collection website will be a primary mechanism to direct individuals to these lawfully owed DNA collection sites in each county. Again, our ISPFS team will reach out to each county in the coming weeks to ensure that we understand your desire for where these facilities will be located. ISPFS will provide all the collection supplies and instruction for these samples to be collected at no cost to the counties.

If these decisions have already been made, we would appreciate your agency reaching out to Mr. Mark Denhardt at ISPFS. He is the Lawfully Owed DNA Coordinator for the state of Idaho. We will need the following information for each site: Location Name, Street Address, and Appointment Phone Number. An agency POC, phone number and email are also necessary, but this information will not be published on the ISP DNA Collection website.

We will be hosting an informational webinar about the ISPFS DNA database program and also the ISPFS lawfully owed DNA program on Thursday April 16th at 1pm Mountain Time. You can register for this POST credit eligible training by clicking this [link](#). We look forward to communicating with you so we can assist the Courts and address these upcoming changes to Idaho DNA collection law. We believe this law will lead to more crimes being solved in Idaho communities.

If you have any questions about this communication please contact matthew.gamette@isp.idaho.gov If you have any questions about this program or implementation of this program, please do not hesitate to contact Mark Denhardt at mark.denhardt@isp.idaho.gov

Information about the new law is available at the following links:

- <https://legislature.idaho.gov/sessioninfo/2026/legislation/S1226/>
- <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2026/legislation/S1226.pdf>
- <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2026/legislation/S1226SOP.pdf>