



## **Lawfully Owed DNA Collection Legislation Info Sheet**

- The legislation specifies that DNA must be collected at the time of conviction before the individual leaves the courthouse or place of sentencing. The legislation also requires DNA to be collected after a conviction for 9 new misdemeanor offenses:
  - Domestic violence, misdemeanor (18-918, Idaho Code)
  - Sexual exploitation by a medical care provider (18-919, Idaho Code)
  - Violation of no contact order, misdemeanor (18-920, Idaho Code)
  - Sexual battery (18-924, Idaho Code)
  - Injury to children, misdemeanor (18-1501, Idaho Code)
  - Indecent exposure, misdemeanor (18-4116, Idaho Code)
  - Soliciting commercial sexual activity, misdemeanor (18-5614, Idaho Code)
  - Stalking in the second degree (18-7906, Idaho Code)
  - Violation of protective order (39-6312, Idaho Code)
- Based on currently available data sources, there are approximately 26,000 convicted Idaho felons who failed to provide DNA upon conviction in accordance with Idaho Law. This number is likely to change if additional court related data sources become available. ISPFS is working a plan to collect and process these samples and has federal grant funding to assist with the collection.
- Idaho State Police Forensic Services provides all the supplies and training to Idaho counties and the Idaho Department of Corrections for these samples to be collected. The legislation does have a fiscal note of \$168,100 to process the estimated 1,681 samples per year for DNA in the laboratory (the five-year average for convictions of these crimes in Idaho). Idaho courts can order \$100 per sample restitution; however, the judge is not required to order restitution and restitution is often not paid by the convicted individual.
- Due to process improvements in the DNA database unit, ISPFS has current capacity to process these samples in a timely manner. ISPFS is currently processing DNA database samples in an average of 12 days.
- Historically, DNA submitted by ISP Forensics to the national CODIS database has had a “hit” rate of about 1% linking a subject to a crime. As of December 2024, the ISPFS sexual assault kit initiative (SAKI) lawfully owed DNA (LODNA) team has uploaded 414 samples to the national DNA database (CODIS) and had 4 hits to crimes. This is in keeping with the historical 1% rate. Of the 4 hits, 2 were from the sex offender registry (SOR) data set and 2 were from the IDOC data set.
- Idaho Department of Correction (IDOC) has done an outstanding job historically collecting lawfully owed DNA (LODNA). They are by far the largest entity collecting LODNA. The problem has been that many of those convicted never reach an IDOC facility with a collection infrastructure in place. The wide range of sentencing possibilities mean some convicts will do their time in a county facility or go direct to some form of probation. These are the preponderance of those who have “slipped through the cracks.”
- The primary purpose of our proposed legislation is to more clearly define roles and responsibilities within the DNA collection process. It is also designed to push the collection point to the earliest possible time in the Criminal Justice cycle to avoid “slipping through the cracks.” This point is at the Judgement of Conviction or Guilty Plea.

**What is being done to solve this issue:**

- Legislation proposal to clearly define the responsibilities and timeliness required for DNA collection.
- In 2022 ISP secured Bureau of Justice Assistant (BJA) grant funding to study the effectiveness of Idaho's DNA Collection statute and processes. In 2023 the ISP Sexual Assault Kit Initiative (SAKI) Team began operations.
- In 2023 the ISP Lawfully Owed DNA (LODNA) unit began operations by identifying those who owed DNA within supervised populations. The first being those who are Registered Sex Offenders (RSO).
- The LODNA team identified 480 RSOs who owed DNA. In partnership with the County Sheriff's Offices, who supervise RSOs, we began a process to collect this DNA. As December 2024, 284 have been collected. This process is ongoing.
- The second group identified is those under IDOC supervision. This group totaled approximately 2400 individuals. In partnership with IDOC we identified the subjects and began collection. As of December 2024, we have collected 196 samples, and this process is ongoing.
- The ISP LODNA team has begun the process of identifying and locating convicted criminals that are no longer supervised by the State but owe DNA. Current data estimates 26,000 samples need to be collected from Idaho convicted felons. Our plan is in partnership with County Sheriff's Offices to schedule appointments for collection for those who comply. A Sheriff's Office in the Treasure Valley has graciously offered to be our first one as we work out the best practices for LODNA collection.
- The effectiveness of DNA to identify criminals will always rest with the completeness of the DNA database. The goal of our legislation is to stop the individuals "slipping through the cracks" and increase the size of the Idaho DNA database to increase the potential to have cases hit to individuals convicted of crimes.