

Owed DNA Legislation and Recent Collection Efforts

Owed DNA is DNA an offender is required to submit when they are arrested for or convicted of a qualifying offense. The profile is submitted into CODIS to aid in current and future cases.¹

State Collection Procedures

- 32 states have crimes which mandate collection for arrest and conviction and 18 states mandate collection for conviction only.
- 49 states allow collection at multiple points throughout the criminal justice process.
- Collection points include arrest, booking, conviction, sentencing, incarceration, probation/parole, sex offender registration, upon request, and from out of state transfers.

States with Qualifying Misdemeanors

- 35 states have misdemeanors which require DNA submission.
- Wisconsin is the only state to require submission for all misdemeanors.
- 33 states require submission for at least one type of misdemeanor sex crime.
- 7 states require submission for various misdemeanor categories.
- 18 states require submission for at least one enumerated misdemeanor.

Suggestions for Improving Collection⁶

- Ensure collection statutes clearly indicate the steps when DNA can be collected and who is to collect.
- Include crime labs and collection agencies in the creation of owed DNA legislation.
- Improve tracking systems and increase communication between collection agencies and crime labs.
- Hold collection agencies accountable for missed samples.

Initiatives to Collect Missed Samples

Cuyahoga County, Ohio²

- Two-part census which identified 15,370 missing DNA samples
- Efforts to collect from those in custody, under community supervision, and in the court process led to 1,503 new DNA samples.

Washington State Attorney General³

- Identified 635 sex offenders who owed their DNA
- Of those, 345 DNA samples were collected by the time of the announcement.

Alaska Department of Public Safety⁴

- Identified 20,000 individuals who owed their DNA
- Of these, 425 samples collected by the time of the announcement.

Texas Department of Public Safety⁵

- Census revealed 3,300 registered sex offenders who owed their DNA.
- Of these, 2,800 samples were collected
- Second census revealed 20,290 individuals who owed DNA
- Of these, 2,383 samples were collected.

1. Melton, P., Krauss, S., Martin, M., Zablocka, R., Sheppard, M., Gourdet, & C., Kurland, J. (2022). A review of legislation associated with lawfully owed DNA samples. Forensic Technology Center of Excellence, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Office of Investigative and Forensic Sciences.

2. Lovell, R.E., & Klingenstein, J. (2019). Outcomes from efforts to swab offenders who lawfully "owe" DNA in Cuyahoga County. Case Western Reserve University: Cleveland, OH.

3. Washington State Office of the Attorney General. (2021). AG Ferguson's lawfully owed DNA project identifies 635 registered sex offenders owing DNA, collects samples from hundreds. <https://www.atg.wa.gov/news/news-releases/ag-ferguson-s-lawfully-owed-dna-project-identifies-635-registered-sex-offenders>.

4. Alaska Department of Public Safety Public Information Office. (2022). Department of Public Safety begins owed DNA collection. <https://dps.alaska.gov/AST/PIO/PressReleases/Department-of-Public-Safety-Begins-Owed-DNA-Collec>.

5. Salinas, O. C. (2024). Eligible offender samples are missing in CODIS: A statewide approach to performing a lawfully owed DNA census. *Journal of Forensic Sciences*, 69(5), 1758-1770. <https://doi.org/10.1111/1556-4029.15569>.

6. Forensic Technology Center of Excellence (2021). Perspectives on addressing the collection, tracking, and processing of lawfully owed DNA samples. U.S. Department of Justice, National Institute of Justice, Office of Investigative and Forensic Sciences.