

IN THE SENATE

SENATE BILL NO. 1226

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO SAMPLE COLLECTIONS; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 19-2512A, IDAHO CODE, TO PROVIDE FOR
3 THE COLLECTION OF A DNA SAMPLE AND THUMBPRINT IMPRESSION IN CERTAIN IN-
4 STANCES; AMENDING SECTION 19-5501, IDAHO CODE, TO REVISE LEGISLATIVE
5 FINDINGS; AMENDING SECTION 19-5502, IDAHO CODE, TO DEFINE A TERM AND TO
6 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-5506, IDAHO CODE, TO
7 REVISE PROVISIONS REGARDING OFFENDERS SUBJECT TO SAMPLE COLLECTION;
8 REPEALING SECTION 19-5507, IDAHO CODE, RELATING TO THE RESPONSIBILITY
9 FOR, TIMING OF, AND SITE FOR A SAMPLE COLLECTION; AMENDING CHAPTER 55,
10 TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5507, IDAHO
11 CODE, TO ESTABLISH PROVISIONS REGARDING THE RESPONSIBILITY FOR, TIMING
12 OF, AND SITE FOR A SAMPLE COLLECTION; REPEALING SECTION 19-5510, IDAHO
13 CODE, RELATING TO APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVID-
14 ING AN EFFECTIVE DATE.
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Chapter 25, Title 19, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 19-2512A, Idaho Code, and to read as follows:

20 19-2512A. COLLECTION OF DNA SAMPLE AND THUMBPRINT IMPRESSION. At the
21 time of a guilty plea, conviction, or sentencing, the court shall order the
22 collection of a DNA sample and thumbprint impression from any person who is
23 convicted of, or pleads guilty to, any serious crime, as defined in section
24 19-5502(10), Idaho Code, according to the process set forth in this chapter.

25 SECTION 2. That Section 19-5501, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 19-5501. LEGISLATIVE FINDINGS -- STATEMENT OF PURPOSE. The legis-
28 lature finds that DNA (deoxyribonucleic acid) identification analysis is
29 a useful law enforcement tool for identifying and prosecuting ~~felony~~ of-
30 fenders who have committed serious crimes, as defined in this chapter. The
31 legislature further finds that it is in the best interest of justice and the
32 protection of the public that the collection of DNA samples and thumbprint
33 impressions from qualifying offenders takes place as expeditiously as pos-
34 sible following a conviction or guilty plea and that the duties of those
35 responsible for collection be clearly defined. The purpose of this act is
36 to assist federal, state, and local criminal justice and law enforcement
37 agencies within and outside the state in the detection and prosecution of
38 individuals responsible for ~~felony~~ such serious crimes, as well as in the
39 exclusion of suspects who are being investigated for such crimes.

1 SECTION 3. That Section 19-5502, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 19-5502. DEFINITIONS. (1) "CODIS" means the federal bureau of inves-
4 tigation's combined DNA index system that allows the storage and exchange of
5 DNA records submitted by state and local forensic laboratories.

6 (2) "Director" means the director of the Idaho state police.

7 (3) "DNA" means deoxyribonucleic acid.

8 (4) "DNA analysis" means the scientific test of a DNA sample for the
9 purpose of obtaining a DNA profile.

10 (5) "DNA profile" means the list of one (1) or more genetic types deter-
11 mined for an individual based on variations in DNA sequence.

12 (6) "DNA record" means DNA information stored in the statewide DNA
13 database system of the bureau of forensic services or CODIS and includes
14 information commonly referred to as a DNA profile.

15 (7) "DNA sample" means a body fluid or tissue sample provided by any
16 person convicted of a felony crime or any body fluid or tissue sample submit-
17 ted to the statewide DNA database system for analysis pursuant to a criminal
18 investigation or missing person investigation.

19 (8) "Forensic laboratory" means the bureau of forensic services of the
20 Idaho state police.

21 (9) "Law enforcement purpose" means to assist federal, state, or local
22 criminal justice and law enforcement agencies within and outside the state
23 of Idaho in identification or prosecution of felony crimes or other crimes
24 and the identification and location of missing and unidentified persons.

25 (10) "Serious crime" means, for purposes of this chapter, any felony
26 crime; the attempt to commit any felony crime; any crime that requires
27 sex offender registration pursuant to sections 18-8304 and 18-8410, Idaho
28 Code; misdemeanor domestic violence (18-918, Idaho Code); or sexual battery
29 (18-924, Idaho Code).

30 ~~(10)~~ (11) "Statewide DNA databank" or "databank" means the state repos-
31 itory of DNA samples collected under this chapter and administered by the
32 Idaho bureau of forensic services.

33 ~~(11)~~ (12) "Statewide DNA database system" or "database" means the DNA
34 record system administered by the Idaho bureau of forensic services.

35 SECTION 4. That Section 19-5506, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 19-5506. SCOPE OF LAW -- OFFENDERS SUBJECT TO SAMPLE COLLECTION --
38 EARLY COLLECTION OF SAMPLES -- RESTITUTION. (1) Any person, including any
39 juvenile tried as an adult, who is convicted of, or pleads guilty to, any
40 felony crime, ~~the attempt to commit any felony crime or any crime that re-~~
41 ~~quires sex offender registration pursuant to sections 18-8304 and 18-8410,~~
42 ~~Idaho Code, regardless of the form of judgment or withheld judgment, and~~
43 ~~regardless of the sentence imposed or disposition rendered~~ serious crime, as
44 defined in section 19-5502(10), Idaho Code, shall be required to provide to
45 the Idaho state police a DNA sample and a right thumbprint impression, as set
46 forth in this chapter.

47 (2) Absent consent or a warrant authorizing DNA collection based ~~upon~~
48 on probable cause, no person shall be required to provide a DNA sample unless

1 the person has been convicted of, or pleads guilty to, ~~any felony crime, the~~
2 ~~attempt to commit any felony crime or any crime that requires sex offender~~
3 ~~registration pursuant to sections 18-8304 and 18-8410, Idaho Code~~ a serious
4 crime, as defined in section 19-5502(10), Idaho Code.

5 (3) (a) This chapter's requirements for submission to tests and pro-
6 cedures for obtaining a DNA sample and thumbprint impression from the
7 persons who are convicted of, or who plead guilty to, any felony crime,
8 the attempt to commit any felony crime or any crime that requires sex
9 offender registration pursuant to sections 18-8304 and 18-8410, Idaho
10 Code, regardless of the form of judgment or withheld judgment, and re-
11 gardless of the sentence imposed or disposition rendered, are mandatory
12 and apply to those persons convicted of, or who plead guilty to, such
13 felony crimes, ~~the attempt to commit such felony crimes or any crime~~
14 ~~that requires sex offender registration pursuant to sections 18-8304~~
15 ~~and 18-8410, Idaho Code, covered in this chapter prior to its the ef-~~
16 ~~fective date of this chapter,~~ and who, as a result of the conviction or
17 plea, are incarcerated in a county jail facility or a penal facility,
18 are under probation or parole supervision or are required to register
19 as a sex offender pursuant to sections 18-8304 and 18-8410, Idaho Code,
20 after the effective date of this chapter.

21 (b) This chapter's requirements for submission to tests and procedures
22 for obtaining a DNA sample and thumbprint impression from the persons
23 who are convicted of, or who plead guilty to, any misdemeanor crime
24 that qualifies as a serious crime, regardless of the form of judgment or
25 withheld judgement, and regardless of the sentence imposed or disposi-
26 tion rendered, are mandatory and shall apply to those persons convicted
27 of, or who plead guilty to, such qualifying misdemeanor serious crimes
28 on or after July 1, 2026.

29 (4) The collection of samples and impressions specified in this chap-
30 ter are required, regardless of whether the person previously has supplied a
31 DNA sample to law enforcement agencies in any other jurisdiction. The col-
32 lection facility is not required to collect a DNA sample if it can be verified
33 that a sample already exists for ~~the individual~~ such person in the Idaho DNA
34 database.

35 (5) The requirements of this chapter are mandatory and apply, regard-
36 less of whether a court advises a person that samples and impressions must be
37 provided to the databank and database as a condition of probation or parole.

38 (6) Unless the court determines that an order of restitution would be
39 inappropriate or undesirable, it shall order any person subject to the pro-
40 visions of this section to pay restitution to help offset costs incurred by
41 law enforcement agencies for the expense of DNA analysis.

42 (7) The court may order such person to pay restitution for DNA analysis
43 in an amount not to exceed five hundred dollars (\$500) per DNA sample analy-
44 sis, or in the aggregate not more than two thousand dollars (\$2,000), regard-
45 less of whether:

46 (a) The source of the sample is the person, the victim, or other persons
47 of interest in the case;

48 (b) Results of the analysis are entered into evidence in the person's
49 criminal case;

1 (c) The DNA sample was previously analyzed for another criminal case;
2 or

3 (d) Restitution for that DNA sample analysis was ordered in any other
4 criminal case.

5 (8) Law enforcement agencies entitled to restitution under this sec-
6 tion include the Idaho state police, county and city law enforcement agen-
7 cies, the office of the attorney general, county prosecuting attorneys, and
8 city attorneys.

9 (9) In the case of reimbursement for DNA analysis performed by the Idaho
10 state police, those moneys shall be paid to the Idaho state police and de-
11 posited in the law enforcement fund. In the case of reimbursement to the of-
12 fice of the attorney general, those moneys shall be paid to the general fund.

13 (10) Persons who have been sentenced to death, or life without the pos-
14 sibility of parole, or to any life or indeterminate term are not exempt from
15 the requirements of this chapter.

16 SECTION 5. That Section 19-5507, Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 6. That Chapter 55, Title 19, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 19-5507, Idaho Code, and to read as follows:

21 19-5507. RESPONSIBILITY FOR SAMPLE COLLECTION -- TIMING OF SAMPLE
22 COLLECTION -- SITE FOR SAMPLE COLLECTION. (1) Process for collection. The
23 process for collection of DNA samples and thumbprint impressions from per-
24 sons subject to the provisions of this chapter shall be as provided in this
25 section.

26 (2) Order for collection prior to sentencing. Where a person subject
27 to the provisions of this chapter has been convicted of or pleaded guilty
28 to a serious crime but has not yet been sentenced, the prosecuting attor-
29 ney, attorney general, or Idaho state police may, at the time of conviction
30 or guilty plea or thereafter, apply to the court for an order requiring the
31 person to submit a DNA sample and thumbprint impression prior to sentencing.
32 The court shall order a sample and impression to be taken prior to sentencing
33 upon a showing that early collection is in the best interest of justice. The
34 DNA sample and thumbprint impression shall be collected in accordance with
35 procedures established by the bureau of forensic services. The director may
36 designate a state correctional facility or county jail for such collection.

37 (3) Order for collection at sentencing. Except as otherwise provided
38 in this section, in every case in which any person, including any juvenile
39 tried as an adult, who has been convicted of or pleaded guilty to a serious
40 crime, the court shall, at the time of sentencing, order the person to submit
41 a DNA sample and thumbprint impression to the bureau of forensic services,
42 and order the collection of such sample and impression as set forth in this
43 section.

44 (a) Persons to be released following sentencing.

45 (i) The court shall order any person subject to the provisions of
46 this chapter who is incarcerated at the time of sentencing and who
47 has not previously provided a DNA sample and thumbprint impres-
48 sion to provide such sample and impression at an Idaho state po-

1 lice-designated sample collection location prior to physical re-
2 lease from custody.

3 (ii) At the time of sentencing, the court shall order any person
4 subject to the provisions of this chapter who is not incarcerated,
5 who has not previously provided a DNA sample and thumbprint im-
6 pression, and who is granted probation or other supervised or con-
7 ditional release following sentencing to report before the end of
8 the following business day to provide a DNA sample and thumbprint
9 impression at an Idaho state police-designated sample collection
10 location.

11 (b) Persons committed to county jails or other local detention facili-
12 ties at sentencing. At the time of sentencing, the court shall order any
13 person subject to the provisions of this chapter who has not previously
14 submitted a DNA sample and thumbprint impression and who is sentenced to
15 a period of incarceration in a county jail or other local detention fa-
16 cility to provide a DNA sample and thumbprint impression, and the court
17 shall order the chief administrative officer of such jail or facility
18 to cause a DNA sample and thumbprint impression to be collected from the
19 person as soon as possible during the intake process at the facility, or
20 immediately thereafter at another facility designated for such collec-
21 tions, but in all cases, no later than ten (10) days after the person's
22 arrival at the jail or facility.

23 (c) Persons committed to the department of correction or department
24 of juvenile corrections at sentencing. At the time of sentencing,
25 the court shall order any person subject to the provisions of this
26 chapter who has not previously submitted a DNA sample and thumbprint
27 impression and who is committed to the custody of the department of cor-
28 rection or department of juvenile corrections to submit a DNA sample and
29 thumbprint impression as directed by the director of the department of
30 correction or department of juvenile corrections, and the court shall
31 order the chief administrative officer at the designated reception center
32 to cause a DNA sample and thumbprint impression to be collected from
33 the person during the intake process at the reception center designated
34 by the director of the department of correction or department of juve-
35 nile corrections as soon as possible, but no later than ten (10) days
36 after the person's arrival at the facility.

37 (4) Incarcerated persons who have not submitted a DNA sample or
38 thumbprint impression. Any person subject to the provisions of this chapter
39 who is serving a term of imprisonment or confinement in a local, county, or
40 state jail, prison, or other correctional facility and who did not, for any
41 reason, including oversight or error, provide a DNA sample and thumbprint
42 impression to the bureau of forensic services shall provide such sample and
43 impression, and the administrator of the jail, prison, or other correctional
44 facility in which such person is confined shall cause the sample and impres-
45 sion to be collected as soon as practicable, but in any event no later than
46 ten (10) days following notice from the bureau of forensic services that the
47 person has not previously submitted the sample and impression, or prior to
48 final discharge, probation, parole, or release from imprisonment or con-
49 finement, whichever is earlier. A person who was convicted of any felony
50 crime, the attempt to commit any felony crime, or any crime that requires

1 sex offender registration pursuant to sections 18-8304 and 18-8410, Idaho
2 Code, prior to the effective date of this chapter is not exempt from these
3 requirements.

4 (5) Persons on parole following incarceration. Prior to release on pa-
5 role, any person subject to the provisions of this chapter must have sub-
6 mitted a DNA sample and thumbprint impression to the bureau of forensic ser-
7 vices. It shall be a condition of parole that any person subject to the pro-
8 visions of this chapter who has not, for any reason, including oversight or
9 error, previously provided a DNA sample and thumbprint impression and who is
10 released on parole shall, upon notice by the bureau of forensic services,
11 a law enforcement agency, or an agent of the department of correction, be
12 required to provide a DNA sample and thumbprint impression if such sample
13 and thumbprint impression are not in the possession of the bureau of foren-
14 sic services. Such person shall be required to have the sample and impres-
15 sion taken within ten (10) working days of such notice at an Idaho state po-
16 lice-designated sample collection location.

17 (6) Persons returned to state or local correctional facilities, jails,
18 or other detention facilities following supervised or conditional release.
19 Any person subject to the provisions of this chapter who was released on pa-
20 role, probation, furlough, or other supervised or conditional release, who
21 is returned to a state or local juvenile or adult correctional facility for
22 any reason, and who has not previously provided a DNA sample and thumbprint
23 impression shall provide a sample and impression upon returning to the state
24 or local correctional facility. The chief administrative officer of such
25 facility shall cause the sample and impression to be taken as soon as pos-
26 sible, but no later than ten (10) days following notice from the bureau of
27 forensic services or discovery that the person has not yet provided a sample
28 and impression, or prior to final discharge, parole, or release from impris-
29 onment or confinement, whichever is earlier.

30 (7) (a) Persons in Idaho pursuant to interstate agreement. When the
31 state accepts an offender from another state under any interstate com-
32 pact or under any other reciprocal agreement with any county, state, or
33 federal agency, or any other provision of law, whether or not the of-
34 fender is confined or released, the acceptance is conditional on the of-
35 fender providing a DNA sample and thumbprint impression if the offender
36 was convicted of or pleaded guilty to an offense that would qualify as
37 a serious crime, as defined in section 19-5502(10), Idaho Code, or if
38 the offender was convicted of an equivalent offense in any other juris-
39 diction, regardless of the form of judgement or withheld judgement, and
40 regardless of the sentence imposed or disposition rendered.

41 (b) If the offender from another state is not confined, the offender
42 must provide the sample and impression required by this chapter within
43 ten (10) days after the offender reports to the supervising agent or
44 within ten (10) days of notice to the offender from the bureau of foren-
45 sic services, any law enforcement agency, or the offender's supervising
46 agency, whichever occurs first. The offender shall report to an Idaho
47 state police-designated sample collection facility or facilities to
48 have the sample and impression taken.

49 (c) If the offender from another state is confined in a state, county,
50 or local correctional facility, jail, or other detention facility, the

1 offender shall provide, and the administrative officer of such facility
2 shall cause to be collected, the DNA sample and thumbprint impression as
3 soon as practicable but no later than ten (10) days after the offender is
4 received into such jail or facility, or ten (10) days following notice
5 from the bureau of forensic services that the person has not yet pro-
6 vided a sample and impression, whichever is earlier, and in all cases,
7 before completion of the offender's term of imprisonment or discharge
8 from that facility, whichever is earlier.

9 (8) Persons previously convicted of or pleading guilty to a serious
10 crime. Any person, including any juvenile tried as an adult, who was pre-
11 viously convicted of or pleaded guilty to a serious crime, as defined in
12 section 19-5502(10), Idaho Code, whether or not that person is incarcerated,
13 who has not provided a DNA sample and thumbprint impression for any reason,
14 including the person's release prior to the enactment of this chapter, an
15 oversight or error, or because of the person's transfer from another juris-
16 diction, shall provide a DNA sample and thumbprint impression for inclusion
17 in the state's DNA database and databank within ten (10) working days of such
18 person being notified of this requirement by the Idaho state police, the
19 department of correction, any law enforcement officer, or an officer of the
20 court. The samples and impressions shall be collected in a facility desig-
21 nated by the Idaho state police.

22 (9) Verification. The collection facility and sex offender registra-
23 tion location shall verify that the individual's DNA sample has been col-
24 lected in Idaho. The collection facility shall not be required to collect a
25 DNA sample if it can be verified that a sample already exists for the individ-
26 ual in the Idaho DNA database.

27 SECTION 7. That Section [19-5510](#), Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 8. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after
31 July 1, 2026.