

Lawfully Owed DNA Idaho

Last Updated: April 2023

Arrest

Question	Answer
Does the law require a DNA sample to be collected from an individual when they are arrested for a crime?	No.
What crimes require collection of a DNA sample at arrest?	N/A
Does the law mandate when the DNA sample must be collected after arrest?	N/A
What agency collects the arrest DNA sample?	N/A
What agency manages the analysis and preservation in the DNA database?	N/A
Can the arrest DNA sample be expunged?	N/A
Statutes	N/A

Conviction

Question	Answer
Does the law require a DNA sample to be collected from the defendant when they are convicted of a crime?	Yes (including juveniles tried as adults)
What convictions require collection of a DNA sample?	Felonies, the attempt to commit a felony, and any crime that requires sex offender registration

<p>Does the law require DNA collection when a defendant is found not guilty by reason of insanity/mental defect/illness?</p>	<p>Not specifically required.</p>
<p>Does the law mandate when the DNA sample must be collected after conviction?</p>	<p>(i) After conviction or guilty plea but before sentencing upon application by the prosecuting attorney, the attorney general, or the Idaho state police upon a showing that early collection of such samples will be in the best interest of justice; (ii) during the intake process at facility or as soon as practicable (and, in any event, prior to final discharge, parole, furlough, or release from imprisonment or confinement); (iii) if the person bypasses a prison inmate reception center, then prior to physical release from custody; if the person is not incarcerated at the time of sentencing, then the court shall order the person to report within 10 working days to the collection facility; when the state accepts an offender from another state and the offender is not confined, then within 10 working days after reporting to the supervising agent or of notice to the offender, whichever occurs first; when the state accepts an offender from another state and the offender is confined, then as soon as practicable after receipt in a state or county correctional facility (and in any event, before completion of the person's term of imprisonment). Any person subject to DNA collection who has not otherwise provided a sample shall provide a sample within 10 working days of notification of the requirement to produce a sample</p>
<p>What agency collects the DNA sample after conviction?</p>	<p>Idaho State Police, or the chief administrative officer of any state or local detention facility, jail or other facility; director of the department of correction</p>
<p>What agency manages the analysis and preservation in the DNA database?</p>	<p>Idaho State Police, Bureau of Forensic Services</p>
<p>Can the conviction DNA sample be expunged?</p>	<p>The Idaho State Police shall expunge the DNA sample and all identifiable information in the database and databank relating to the subject of the conviction upon receipt of a court order which verifies that the applicant has made the necessary showing at a noticed hearing (that the relevant conviction was reversed and the case dismissed), and which includes the following documents:</p> <ul style="list-style-type: none"> (a) Written request for expungement pursuant to this section; (b) A certified copy of the court order reversing and dismissing the conviction; (c) Proof of written notice to the prosecuting attorney and the bureau of forensic services that such expungement is being sought; and (d) A court order finding that no retrial or appeal of the case is pending and verifying that at least sixty (60) days have passed since the defendant has notified the prosecuting attorney and the bureau of forensic services of the expungement request and that the court finds no reason, based on the interests

	of justice, to deny expungement.
Statutes	Idaho Stat. § 19-5503. Responsibility For Managing DNA Program – Bureau of Forensic Services 19-5506. Scope of law--Offenders subject to sample collection--Early collection of samples--Restitution 19-5507. Responsibility for sample collection--Timing of sample collection--Site for sample collection 19-5510. Applicability of chapter 19-5513 Expungement of information