

Lawfully Owed DNA Delaware

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.
What convictions require collection of a DNA sample?	(i) convicted on or after June 16, 1994, and sentenced to a term of confinement, of any offense or attempted offense defined in subchapter II, subpart D or subchapter V of Chapter 5, Title 11 (Felonies, Sexual Offenses, and Offenses Relating to Children and Vulnerable Adults) (ii) convicted after July 1, 2003, and sentenced to a term of confinement, of any offense that is defined and classified as a felony under Title 11
Does the law require DNA collection when a defendant is found not guilty by reason of insanity/mental defect/illness?	Not specifically required.

Does the law mandate when the DNA sample must be collected after conviction?	At time of sentencing or, if not sentenced to a term of confinement, at a time and place specified by the sentencing court
What agency collects the DNA sample after conviction?	Department of Correction
What agency manages the analysis and preservation in the DNA database?	Division of Forensic Science
Can the conviction DNA sample be expunged?	(1) Must petition a court for expungement on the grounds that conviction is reversed or case is dismissed. (2) Division of Forensic Science must destroy upon receipt of a certified court order.
Statutes	29 Del.C. § 4713. DNA analysis and data bank