

# Lawfully Owed DNA Illinois

*Last Updated: March 2020*

## Arrest

Question	Answer
Does the law require a DNA sample to be collected from an individual when they are arrested for a crime?	Yes, after an indictment has been returned by a grand jury or finding of probable cause following a hearing. This applies to both adults and minors.
What crimes require collection of a DNA sample at arrest?	Enumerated Felonies: First degree murder, home invasion, predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault.
Does the law mandate when the DNA sample must be collected after arrest?	Within 14 days after an indictment from a grand jury; or after a probable cause hearing; or if arrestee has waived a preliminary hearing.
What agency collects the arrest DNA sample?	Illinois Department of State Police
What agency manages the analysis and preservation in the DNA database?	Department of State Police, Division of Forensic Services
Can the arrest DNA sample be expunged?	Automatic upon receipt of a certified copy of a final court order for each charge against an individual in which the charge has been dismissed, resulted in acquittal, or that the charge was not filed within the applicable time period.
Statutes	730 ILCS 5/5-4-3 Specimens; genetic marker groups.

## Conviction

Question	Answer
What convictions require collection of a DNA sample?	Any felony under Illinois law; anything for which a person is sentenced to life imprisonment or death; "qualifying offenses" and attempts to commit qualifying offenses  Specifically Enumerated Felonies: Criminal Sexual Abuse, Aggravated Criminal Sexual Abuse; Indecent Solicitation of a Child; Sexual Exploitation of a child; Sexual Relations Within Families; Patronizing a

	<p>minor engaged in prostitution; First Degree Murder; Second Degree Murder; Kidnapping; Aggravated Kidnapping; Robbery; Aggravated robbery; Armed robbery; Vehicular hijacking; Aggravated vehicular hijacking; Vehicular invasion; Burglary; Possession of burglary tools; Home invasion; Concealment of homicidal death; Presence within school zone by child sex offenders; approaching, contacting, residing with, or communicating with a child within certain places by child sex offenders; Stalking; Aggravated stalking</p> <p>Any person seeking to transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5</p> <p>Any person required to register as a sex offender under the Sex Offender Registration Act</p> <p>Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or the Criminal Code of 2012 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987 may be required by an order of the court</p>
Does the law mandate when the DNA sample must be collected after conviction?	If incarcerated, within 45 days of sentencing/disposition, or prior to discharge, release on parole, aftercare release, or mandatory supervised release, whichever is sooner; if seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5, within 45 days after transfer to or residency in Illinois or before final discharge; if required by court order, then within 45 days of the order; if a sex offender, at the time of initial registration or next required registration
What agency collects the DNA sample after conviction?	Illinois Department of State Police
What agency manages the analysis and preservation in the DNA database?	Illinois Department of State Police, Division of Forensic Services
Does the law require a DNA sample to be collected from the defendant when they are convicted of a crime?	Yes (including juveniles), or received a disposition of court supervision, or institutionalized as a sexually dangerous person, or committed as a sexually violent person
Does the law require DNA collection when a defendant is found not guilty by reason of insanity/mental defect/illness?	Yes, or if "institutionalized as a sexually dangerous person"
Can the conviction DNA sample be expunged?	Automatic upon receipt of notification of a reversal of a conviction or the granting of a pardon specifically stating the actual innocence of an individual

Statutes	730 ILCS 5/5-4-3. Specimens; genetic marker groups 730 Ill. Comp. Stat. Ann. 5/5-4-3
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