

# Lawfully Owed DNA Pennsylvania

*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?	<p>Convicted (adult) or adjudicated delinquent (minor) of a felony sex offense, or an attempt, conspiracy, or solicitation to commit a felony offense;</p> <p>Convicted (adult) or adjudicated delinquent (minor) of other specified offenses: (1) A felony offense; (2) An offense under 18 Pa.C.S. (relating to crimes and offenses) or 75 Pa.C.S. (relating to vehicles) that is graded as a misdemeanor of the first degree; (3) A misdemeanor offense requiring registration as a sexual offender; (4) An offense graded as a misdemeanor of the second degree including simple assault; false imprisonment; indecent exposure; theft and related offenses; bad checks; access</p>

	<p>device fraud; intimidation of witnesses or victims; retaliation against witness, victim or party; intimidation, retaliation or obstruction in child abuse cases; escape; flight to avoid apprehension, trial or punishment; recruiting criminal gang members; abuse of corpse; cruelty to animals; prostitution and related offenses.</p> <p>May also be required as a condition of acceptance into Accelerated Rehabilitative Disposition (ARD) as a result of a criminal charge for a felony sex offense or other specified offense filed after June 18, 2002</p>
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?	<p>Upon intake to a prison, jail or juvenile detention facility or any other detention facility or institution; after sentencing at the place of incarceration or confinement if already incarcerated; or as a condition of sentencing if not incarcerated; prior to release for a person who is incarcerated on or after June 18, 2002 for a qualifying offense.</p> <p>No sample will be taken if a sample from the person has already been validly collected and the record exists in the database.</p> <p>When the state accepts an offender from another state and the offender is or has been convicted or adjudicated of a felony sex offense or offense determined by the Pennsylvania Board of Probation and Parole, then within 5 working days after reporting to the supervising agent or of notice to the offender.</p>
What agency collects the DNA sample after conviction?	Department of Corrections, or law enforcement agency
What agency manages the analysis and preservation in the DNA database?	State Police
Can the conviction DNA sample be expunged?	Upon written request to State Police on the grounds that the sample was included in State DNA Data Base by mistake, or by court order if conviction or delinquency adjudication has been reversed and no appeal is pending, the person was granted an unconditional pardon, or if request for removal due to mistake was erroneously refused
Statutes	<p>44 Pa. C.S.A. § 2303. Definitions</p> <p>44 Pa. C.S.A. § 2311. Powers and duties of State Police</p> <p>44 Pa. C.S.A. § 2316. DNA Sample Required upon Conviction, Delinquency Adjudication and Certain ARD Cases</p>

44 Pa. C.S.A. § 2316.1. Collection from persons accepted from other jurisdictions

44 Pa. C.S.A. § 2317. Procedures for collection and transmission of DNA samples

44 Pa. C.S.A. § 2321. Expungement