

STATE THAT HAVE PASSED ARRESTEE DNA DATABASE LAWS

(As of September 2016)

STATE	QUALIFYING OFFENSE				COLLECTION POINT		EXPUNGEMENT	
	Murder Arrestees	Sex Crimes Arrests	Burglary Arrests	All Felony Arrests	Booking	Post-Booking	Upon Request	Automatic
ALABAMA	✓	✓	✓	✓	✓		✓	
ALASKA	✓	✓	✓	✓	✓			✓
ARIZONA	✓	✓	✓		✓		✓	
ARKANSAS	✓	✓	✓	✓	✓		✓	
CALIFORNIA	✓	✓	✓	✓	✓		✓	
COLORADO	✓	✓	✓	✓	✓1	✓1	✓	
CONNECTICUT								
DELAWARE								
FLORIDA	✓	✓	✓	✓	✓		✓	
GEORGIA								
HAWAII								
IDAHO								
ILLINOIS	✓	✓	✓			✓	✓	
INDIANA								
IOWA								
KANSAS	✓	✓	✓	✓	✓		✓	
KENTUCKY								
LOUISIANA	✓	✓	✓	✓	✓		✓	
MAINE								
MARYLAND	✓	✓	✓		✓1	✓1		✓
MASSACHUSETTS								
MICHIGAN	✓	✓	✓	✓	✓		✓	
MINNESOTA								
MISSISSIPPI	✓	✓	✓		✓			✓
MISSOURI	✓	✓	✓		✓			✓
MONTANA								
NEBRASKA								
NEVADA	✓	✓	✓	✓	✓		✓	
NEW HAMPSHIRE								
NEW JERSEY	✓	✓			✓		✓	
NEW MEXICO	✓	✓	✓	✓	✓1	✓1	✓	
NEW YORK								
NORTH CAROLINA	✓	✓	✓		✓		✓	
NORTH DAKOTA	✓	✓	✓	✓	✓		✓	

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	Murder Arrestees	Sex Crimes Arrests	Burglary Arrests	All Felony Arrests	Booking	Post-Booking	Upon Request	Automatic
OHIO	✓	✓	✓	✓	✓		✓	
OKLAHOMA	✓	✓	✓	✓	✓1			✓
OREGON								
PENNSYLVANIA								
RHODE ISLAND	✓	✓	✓		✓1	✓1		✓
SOUTH CAROLINA	✓	✓	✓	✓	✓			✓
SOUTH DAKOTA	✓	✓	✓	✓	✓		✓	
TENNESSEE	✓	✓	✓		✓			✓
TEXAS	✓	✓	✓		✓2	✓2	✓	
UTAH	✓	✓	✓	✓	✓1	✓1	✓	
VERMONT								
VIRGINIA	✓	✓	✓			✓		✓
WASHINGTON								
WEST VIRGINIA								
WISCONSIN	✓	✓	✓		✓		✓	
WYOMING								
TOTAL	29	29	28	17	27	8	20	9
FEDERAL GOVT	✓	✓	✓	✓3	✓		✓	

- 1 These states permit collection at booking but samples may not be uploaded until there are charges or a probable cause finding.
- 2 Texas requires DNA upon arraignment for most offenses; however, if the person in custody has a prior conviction for certain crimes, then samples are to be taken at booking.
- 3 Federal law applies to all arrests – felony and misdemeanor

**It should also be noted that some sources may count additional states with felony arrest laws, rather than ones counted by DNAResource. The following three states are sometimes counted by other sources:

Minnesota – Arrestee law was passed in 2005, but was subsequently thrown out by a state court of appeals. The law is no longer “on the books”.

Vermont – Arrestee law has been ruled a violation of the State Constitution. The law is repealed.

Connecticut – passed a law to require DNA on arrest for certain felonies, but only if the arrestee has a prior qualifying felony conviction. In the opinion of DNAResource, this law is useful in closing loopholes in which convicted felons may have escaped existing collections requirements, but is not a true “arrestee” law.

Oklahoma – in the same year that the state legislature rejected a law to require DNA from felony arrestees, the state legislature did approve an amendment that requires DNA from persons arrested for felonies IF they are determined to also be in the US in violation of federal law. Non-US citizens who are detained are already covered under federal law, and DNAResource does not consider this law to be in the same spirit of a true arrestee DNA law.