

Subject Eliminating the requirement to collect DNA in certain situations and requiring removal of certain specimens from the DNA index system

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Overview

In 2006, the Minnesota Court of Appeals found that it is unconstitutional to require a person who has been charged with an offense but not convicted to provide a biological sample for DNA analysis. This bill removes the language that was found unconstitutional and requires the Bureau of Criminal Apprehension to remove records in its system that are solely the result of collecting a biological sample from a person who was charged and not convicted.

Summary

Section	Description
1	DNA collection; parental consent, court order, or warrant required. Requires parental consent, a warrant, or a court order to collect DNA from a juvenile. Allows evidence to be suppressed if DNA is collected without authorization.
2	Required collection of biological specimen for DNA testing. Eliminates the requirement that a person must submit a biological specimen for DNA testing if the person appears in court and the court finds that there is probable cause to believe that the person committed one of a list of certain offenses.
3	Repealer. Repeals section 299C.105, subdivision 3. This is a conforming change related to the requirement that a person be convicted of an offense before a biological specimen can be taken.