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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3063

03/22/2023 Authored by Fischer and Gomez
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; removing law regarding collection of DNA data without
1.3 a conviction; providing for the removal of certain biological specimens and records
1.4 from the DNA index system; amending Minnesota Statutes 2022, section 299C.105,
1.5 subdivision 1; repealing Minnesota Statutes 2022, section 299C.105, subdivision
1.6 3.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2022, section 299C.105, subdivision 1, is amended to read:

1.9 Subdivision 1. Required collection of biological specimen for DNA testing. (a) Sheriffs,
1.10 peace officers, and community corrections agencies operating secure juvenile detention
1.11 facilities shall take or cause to be taken biological specimens for the purpose of DNA analysis
1.12 as defined in section 299C.155, of the following:

1.13 (1) ~~persons who have appeared in court and have had a judicial probable cause~~
1.14 ~~determination on a charge of committing,~~ or persons having been convicted of or attempting
1.15 to commit, any of the following:

- 1.16 (i) murder under section 609.185, 609.19, or 609.195;
1.17 (ii) manslaughter under section 609.20 or 609.205;
1.18 (iii) assault under section 609.221, 609.222, or 609.223;
1.19 (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
1.20 (v) kidnapping under section 609.25;
1.21 (vi) false imprisonment under section 609.255;

2.1 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
2.2 609.3451, subdivision 3, or 609.3453;

2.3 (viii) incest under section 609.365;

2.4 (ix) burglary under section 609.582, subdivision 1; or

2.5 (x) indecent exposure under section 617.23, subdivision 3;

2.6 (2) persons sentenced as patterned sex offenders under section 609.3455, subdivision
2.7 3a; or

2.8 (3) ~~juveniles who have appeared in court and have had a judicial probable cause~~
2.9 ~~determination on a charge of committing, or~~ juveniles having been adjudicated delinquent
2.10 for committing or attempting to commit, any of the following:

2.11 (i) murder under section 609.185, 609.19, or 609.195;

2.12 (ii) manslaughter under section 609.20 or 609.205;

2.13 (iii) assault under section 609.221, 609.222, or 609.223;

2.14 (iv) robbery under section 609.24 or aggravated robbery under section 609.245;

2.15 (v) kidnapping under section 609.25;

2.16 (vi) false imprisonment under section 609.255;

2.17 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
2.18 609.3451, subdivision 3, or 609.3453;

2.19 (viii) incest under section 609.365;

2.20 (ix) burglary under section 609.582, subdivision 1; or

2.21 (x) indecent exposure under section 617.23, subdivision 3.

2.22 (b) Unless the superintendent of the bureau requires a shorter period, within 72 hours
2.23 the biological specimen required under paragraph (a) must be forwarded to the bureau in
2.24 such a manner as may be prescribed by the superintendent.

2.25 (c) Prosecutors, courts, and probation officers shall attempt to ensure that the biological
2.26 specimen is taken on a person described in paragraph (a).

2.27 **Sec. 2. DNA RECORDS REMOVED.**

2.28 (a) The Bureau of Criminal Apprehension shall identify all biological specimens and
2.29 related records from the DNA index system of persons who provided a biological specimen

3.1 solely on a judicial probable cause determination on a charge under Minnesota Statutes,
3.2 section 299C.105, subdivision 1, paragraph (a), clause (1) or (3), before August 1, 2023.

3.3 The bureau shall notify the person that the biological specimen and related DNA records
3.4 shall be destroyed under this section or that the person may request the records be returned
3.5 to that person upon a written request.

3.6 (b) When a person's biological specimen has been destroyed and the related DNA records
3.7 have been removed from the DNA index system, the superintendent of the bureau shall
3.8 ensure that the person's specimen and records are removed from the Federal Bureau of
3.9 Investigation's Combined DNA Index System.

3.10 (c) A person's biological specimen and related DNA records must not be destroyed or
3.11 returned under this section if the person has a felony conviction or delinquency adjudication
3.12 for which collection of a biological specimen continues to be required under Minnesota
3.13 Statutes, section 299C.105, on and after August 1, 2023.

3.14 **Sec. 3. REPEALER.**

3.15 Minnesota Statutes 2022, section 299C.105, subdivision 3, is repealed.

299C.105 DNA DATA REQUIRED.

Subd. 3. **Bureau duty.** (a) The bureau shall destroy the biological specimen and return all records to a person who submitted a biological specimen under subdivision 1 but who was found not guilty of a felony. Upon the request of a person who submitted a biological specimen under subdivision 1 but where the charge against the person was later dismissed, the bureau shall destroy the person's biological specimen and return all records to the individual.

(b) If the bureau destroys a biological specimen under paragraph (a), the bureau shall also remove the person's information from the bureau's combined DNA index system and return all related records and all copies or duplicates of them.