

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE
JUDICIARY COMMITTEE

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DATE: March 22, 2022

SUBJECT: Strike everything amendment to H.B. 2102, relating to DNA collection; felony arrests; expungement

Purpose

Requires a person who is arrested for any felony offense, rather than specific felony offenses, to submit a sample of deoxyribonucleic acid (DNA) to the appropriate law enforcement or criminal justice agency. Requires the agency that collects the DNA sample to provide specified information related to expungement.

Background

Within 30 days after a person is sentenced to a term of imprisonment in the Arizona Department of Corrections, Rehabilitation and Reentry, the Arizona Department of Juvenile Corrections or a county jail, or is sentenced to a term of probation without imprisonment or accepted under the interstate compact for the supervision of parolees and probationers, the appropriate agency must secure a sufficient sample of blood or other bodily substances for DNA testing. DNA must be collected from any person that is: 1) convicted of any felony offense; 2) adjudicated delinquent for specified offenses, including homicide, sexual offenses and burglary offenses; and 3) arrested for homicide, certain sexual and prostitution offenses, burglary offenses or a serious offense that is also a dangerous offense. DNA that is collected from a juvenile that is charged with outlined offenses may only be used for: 1) law enforcement identification purposes; 2) a proceeding in a criminal prosecution or juvenile adjudication; and 3) a proceeding related to sexually violent persons ([A.R.S. § 13-610](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires DNA to be collected from a person that is arrested for any felony offense, rather than a person arrested for specific felony offenses as outlined.
2. Requires the agency that is responsible for securing DNA samples to:
 - a) provide oral and written notice to each person who submits a sample that explains the expungement process and that includes instructions on how to request an expungement; and
 - b) post on the agency's website the eligibility criteria for expungement and the instructions on how to request an expungement.
3. Requires a person released on their own recognizance or on bail, and who must submit to DNA collection for a felony arrest to report to the arresting agency within five days, to submit a sufficient DNA sample.

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4. Requires a juvenile who is arrested for violations that require the collection of DNA, and who is summoned to appear at an advisory hearing, to report to the law enforcement agency that investigated the juvenile to submit a sufficient DNA sample.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.