



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2102

~~survival of action; deceased sheriff~~
(NOW: 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. Appropriates \$1.1 million from the state General Fund to the Department of Public Safety (DPS).

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](#)).

H.B. 2102 appropriates \$1.1 million from the state General Fund to DPS for increased crime lab costs associated with collecting more DNA samples for felony arrests.

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. Appropriates \$1.1 million from the state General Fund to DPS for DNA testing.
3. 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.

4. 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.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Appropriates \$1.1 million from the state General Fund to DPS in FY 2023 for DNA testing.
2. Reinstates the statutory requirement that DNA be collected from juvenile offenders only for certain offenses, rather than requiring DNA to be collected for any felony offenses.
3. Reinstates the statutory requirement that a juvenile offender submit DNA to a law enforcement agency only if charged with outlined offenses, rather than requiring DNA submission if arrested for the outlined offenses.

Senate Action

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Prepared by Senate Research

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