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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3063

03/22/2023 Authored by Fischer, Gomez and Virnig
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
04/02/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

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; requiring parental consent for DNA collection; amending Minnesota
1.4 Statutes 2023 Supplement, section 299C.105, subdivision 1; proposing coding for
1.5 new law in Minnesota Statutes, chapter 260B; repealing Minnesota Statutes 2022,
1.6 section 299C.105, subdivision 3.

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

1.8 Section 1. 260B.009] DNA COLLECTION; PARENTAL CONSENT, COURT
1.9 ORDER, OR WARRANT REQUIRED.

1.10 (a) As used in this section, "DNA analysis" has the meaning given in section 299C.155.

1.11 (b) A biological specimen for the purpose of DNA analysis must not be taken from a
1.12 minor without the consent of the minor's parent or custodian, a court order, or a warrant.

1.13 (c) A minor whose biological specimen is collected in violation of paragraph (b) may
1.14 move the court to suppress the use, as evidence, of the results of the DNA analysis and for
1.15 destruction of the biological specimen.

1.16 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to biological
1.17 specimens collected on or after that date.

1.18 Sec. 2. Minnesota Statutes 2023 Supplement, section 299C.105, subdivision 1, is amended
1.19 to read:

1.20 Subdivision 1. **Required collection of biological specimen for DNA testing.** (a) Sheriffs,
1.21 peace officers, and community corrections agencies operating secure juvenile detention

2.1 facilities shall take or cause to be taken biological specimens for the purpose of DNA analysis
2.2 as defined in section 299C.155, of the following:

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

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

2.7 (ii) manslaughter under section 609.20 or 609.205;

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

2.9 (iv) robbery under section 609.24, aggravated robbery under section 609.245, or
2.10 carjacking under section 609.247;

2.11 (v) kidnapping under section 609.25;

2.12 (vi) false imprisonment under section 609.255;

2.13 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
2.14 609.3451, subdivision 3, or 609.3453;

2.15 (viii) incest under section 609.365;

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

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

2.18 (2) persons sentenced as patterned sex offenders under section 609.3455, subdivision
2.19 3a; or

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

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

2.24 (ii) manslaughter under section 609.20 or 609.205;

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

2.26 (iv) robbery under section 609.24, aggravated robbery under section 609.245, or
2.27 carjacking under section 609.247;

2.28 (v) kidnapping under section 609.25;

2.29 (vi) false imprisonment under section 609.255;

3.1 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
3.2 609.3451, subdivision 3, or 609.3453;

3.3 (viii) incest under section 609.365;

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

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

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

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

3.11 Sec. 3. **REPEALER.**

3.12 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.