

## MEMORANDUM

**To:** Member of the State Legislature

**From:** Victoria Ford, Policy Analyst

**Date:** January 15, 2026

**Re:** Proposed Bill to Collect DNA from Individuals Convicted of Misdemeanor Crimes

### Executive Summary

This memorandum opposes the proposed bill that mandates DNA collection from individuals convicted of misdemeanor offenses. Although DNA evidence can be useful in criminal investigations, there is a lack of evidence to support the notion that collecting DNA from misdemeanor offenses will increase public safety or reduce the crime rate. In addition, expanding DNA collection policies to include lower-level crimes may infringe upon individuals' rights to privacy and civil liberties. Historically, misdemeanor enforcement has disproportionately affected urban communities and communities of color; therefore, this policy could further exacerbate these disparities. Several other states have suggested that mandatory DNA collection policies do not provide additional public safety benefits and, as a result, should not be enacted. This memo rejects the legislation in favor of narrower, evidence-based alternatives that balance public safety, equity, and individual rights.

### Background and Policy Context

The proposed bill would require individuals convicted of misdemeanor offenses to submit a DNA sample after conviction, which would be stored in a state-run DNA database. These samples would be used as potential evidence in any future criminal investigation and shared with authorized law enforcement agencies. Supporters argue that expanding DNA collection could effectively improve crime-solving, prevent repeat offenders, and increase public safety. States have adopted different approaches to DNA collection policy. In 2012, New York expanded its DNA Databank to include individuals convicted of both felony and misdemeanor offenses (*New York State Division of Criminal Justice Services, 2012*). In contrast, California has declined to extend mandatory DNA collection to misdemeanor convictions, limiting collections to felony-level offenses under the DNA Fingerprint, Unsolved Crime and Innocent Protection Act of 2004 (*California Department of Justice*). Similarly, Colorado's DNA Crime Prevention and Exoneration of the Innocent Act ("*Katie's Law*", *C.R.S. § 16-23-101*) restricts DNA collections to primarily felony arrests and convictions; recent proposals to expand collection to all misdemeanors have been introduced but not enacted (Colorado Bureau of Investigation). These contrasting approaches display the lack of consensus regarding the appropriate extent of DNA collection policies and provide important context for evaluating whether expanding to misdemeanor offenses is necessary or effective.

### Policy Analysis

#### **Privacy and Civil Liberties Concerns:**

Regarding the expansion of mandatory DNA collection for convicted individuals, there are serious implications that raise privacy and civil liberties concerns. Unlike fingerprints, DNA

contains extensive personal and familial information and is often retained for long durations, which increases the possibility of misuse, unauthorized access, or future use beyond its initial intended purpose (*American Civil Liberties Union*). Permanently collecting DNA from individuals convicted of lower-level, less violent crimes is a violation of privacy that is greater than the seriousness of the crime itself. Therefore, expanding DNA collection to misdemeanor offenses can diminish individual privacy rights and may do so without a public safety reason.

### **Disparate Outcomes and Equity Concerns:**

Misdemeanor enforcement is not evenly distributed across populations. Urban communities and communities of color experience higher rates of police contact and are more likely to be charged with low-level offenses, even when controlling for offense type (*Urban Institute*). Expanding DNA collection to all misdemeanor convictions would therefore disproportionately increase surveillance of these communities. Policies that rely on low-level enforcement patterns risk reinforcing existing disparities and further eroding trust in the criminal justice system without demonstrated public safety gains.

### **Limited Public Safety Benefits:**

Although DNA evidence can be a useful investigative tool, there is limited evidence that expanding DNA collections beyond felony convictions would improve public safety outcomes. Studies indicate that violent crimes are often committed by a small number of repeat offenders and that increasing the size of DNA databases does not directly correlate to higher crime clearance rates (*National Institute of Justice*). Expanding DNA collection on low-level offenses may offer limited benefits while shifting focus away from approaches proven to prevent and solve serious crimes.

### **Policy Recommendations**

*Instead of increasing DNA collection from all misdemeanor convictions, the state should:*

- **Limit mandatory DNA collection to serious or violent felony offenses**, where DNA evidence has a strong investigative value.
- **Establish clear protections against the misuse**, including the right of expungement for non-violent offenses and oversight of DNA data retention.
- **Prioritize evidence-based public safety strategies** that focus on solving and preventing serious crime rather than expanding DNA collection to low-level offenders.

### **Conclusion:**

Although DNA evidence can play a vital role in criminal investigations, expanding DNA collection through statutes to all misdemeanor offenses is unlikely to improve measurable public safety benefits. Given the privacy risks, inequitable impacts on certain populations, and lack of effective evidence, this proposed bill should be rejected in favor of advancing research-based alternatives that promote public trust and protect the rights of individuals.