

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1665 Session of
2025

INTRODUCED BY HOGAN, JUNE 25, 2025

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 25, 2025

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, in DNA data and testing, further
3 providing for policy, for definitions, for State DNA Data
4 Base, for State Police recommendation of additional offenses
5 and annual report and for DNA sample required upon
6 conviction, delinquency adjudication and certain ARD cases,
7 providing for request for modified DNA search and further
8 providing for DNA data base exchange, for expungement and for
9 mandatory cost; and making an editorial change.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2302(2) and (4) of Title 44 of the
13 Pennsylvania Consolidated Statutes are amended and the section
14 is amended by adding a paragraph to read:

15 § 2302. Policy.

16 The General Assembly finds and declares that:

17 * * *

18 (2) Several states have enacted laws requiring persons
19 arrested, charged or convicted of certain crimes, especially
20 sex offenses, to provide genetic samples for DNA profiling.

21 (2.1) Several states have authorized the disclosure of
22 DNA profiles in the state's DNA data base where comparison of

1 DNA linked to a crime with a known offender's DNA profile in
2 the data base establishes the likelihood of a close familial
3 relationship.

4 * * *

5 (4) It is in the best interest of the Commonwealth to
6 establish a DNA data base and a DNA data bank containing DNA
7 samples submitted by individuals arrested for, charged with,
8 convicted of, adjudicated delinquent for or accepted into ARD
9 for criminal homicide, felony sex offenses and other
10 specified offenses and containing DNA samples collected as
11 part of an investigation into missing persons or unidentified
12 decedents.

13 * * *

14 Section 2. The definition of "other specified offense" in
15 section 2303 of Title 44 is amended and the section is amended
16 by adding definitions to read:

17 § 2303. Definitions.

18 The following words and phrases when used in this chapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 * * *

22 "Arrest." The taking or keeping of a person in custody by
23 legal authority or proceedings commenced by a police complaint
24 that is proceeded against by summons or by a petition filed
25 under 42 Pa.C.S. § 6321 (relating to commencement of
26 proceedings).

27 * * *

28 "Criminal homicide." An offense under any of the following:

29 (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).

30 (2) 18 Pa.C.S. § 2502 (relating to murder).

1 (3) 18 Pa.C.S. § 2503 (relating to voluntary
2 manslaughter).

3 (4) 18 Pa.C.S. § 2504 (relating to involuntary
4 manslaughter).

5 (5) 18 Pa.C.S. § 2505 (relating to causing or aiding
6 suicide), if the offense is graded as a felony.

7 (6) 18 Pa.C.S. § 2506 (relating to drug delivery
8 resulting in death).

9 (7) 18 Pa.C.S. § 2507 (relating to criminal homicide of
10 law enforcement officer).

11 * * *

12 "Modified DNA search." A search of the State DNA Data Base,
13 using scientifically valid and reliable methods in accordance
14 with rules, regulations and guidelines promulgated under section
15 2318 (relating to procedures for conduct, disposition and use of
16 DNA analysis), to determine that a crime scene DNA profile is
17 sufficiently likely to have originated from a close relative of
18 an individual whose DNA profile is recorded in the State DNA
19 Data Base.

20 * * *

21 "Other specified offense." Any of the following:

22 (1) A felony offense, other than criminal homicide or a
23 felony sex offense.

24 (2) (Reserved).

25 (3) (Reserved).

26 (4) An offense under 18 Pa.C.S. (relating to crimes and
27 offenses) or 75 Pa.C.S. (relating to vehicles) that is graded
28 as a misdemeanor of the first degree.

29 (5) A misdemeanor offense requiring registration under
30 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of

1 sexual offenders).

2 (6) An offense graded as a misdemeanor of the second
3 degree under any of the following:

4 18 Pa.C.S. § 2701 (relating to simple assault).

5 18 Pa.C.S. § 2903 (relating to false imprisonment).

6 18 Pa.C.S. § 3127 (relating to indecent exposure).

7 18 Pa.C.S. Ch. 39 (relating to theft and related
8 offenses).

9 18 Pa.C.S. § 4105 (relating to bad checks).

10 18 Pa.C.S. § 4106 (relating to access device fraud).

11 18 Pa.C.S. § 4952 (relating to intimidation of
12 witnesses or victims).

13 18 Pa.C.S. § 4953 (relating to retaliation against
14 witness, victim or party).

15 18 Pa.C.S. § 4958 (relating to intimidation,
16 retaliation or obstruction in child abuse cases).

17 18 Pa.C.S. § 5121 (relating to escape).

18 18 Pa.C.S. § 5126 (relating to flight to avoid
19 apprehension, trial or punishment).

20 18 Pa.C.S. § 5131 (relating to recruiting criminal
21 gang members).

22 18 Pa.C.S. § 5510 (relating to abuse of corpse).

23 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to
24 animals).

25 18 Pa.C.S. § 5902 (relating to prostitution and
26 related offenses).

27 * * *

28 Section 3. Sections 2312, 2314(b), 2316 and 2317(a)(1)
29 introductory paragraph of Title 44 are amended to read:

30 § 2312. State DNA Data Base.

1 A Statewide DNA Data Base is reestablished within the State
2 Police to store forensic DNA profiles and records developed by
3 or submitted to the State Police under the former DNA Act, the
4 former provisions of 42 Pa.C.S. Ch. 47 (relating to DNA data and
5 testing) or this chapter, and to contribute forensic DNA
6 profiles and records to CODIS, the National Missing and
7 Unidentified Persons System and the national DNA identification
8 index system. The State DNA Data Base shall have the capability
9 provided by computer software and procedures administered by the
10 State Police to store and maintain forensic DNA profiles and
11 records related to:

12 (1) forensic casework;

13 (2) arrested and convicted or delinquency adjudicated
14 offenders required to provide a DNA sample under this
15 chapter;

16 (3) anonymous DNA records used for statistical research
17 on the frequency of DNA genotypes, quality control and bias
18 or the development of new DNA identification methods; and

19 (4) missing persons and unidentified decedents.

20 § 2314. State Police recommendation of additional offenses and
21 annual report.

22 * * *

23 (b) Annual report.--No later than August 1 of each year, the
24 commissioner shall submit to the Governor's Office, the
25 chairperson and minority chairperson of the Judiciary Committee
26 of the Senate and the chairperson and minority chairperson of
27 the Judiciary Committee of the House of Representatives a
28 written report containing information regarding the collection
29 and testing of DNA samples under the provisions of this chapter.
30 The report must include, but need not be limited to, the

1 following information pertaining to the previous fiscal year:

2 (1) The age, race and sex of those [convicted] from whom
3 DNA samples were submitted [upon conviction] under this
4 chapter.

5 (2) The fiscal impact on the State Police of collecting
6 and testing DNA samples from persons arrested for, convicted
7 of or adjudicated delinquent for offenses.

8 (3) The average length of time between the receipt of
9 DNA samples [from those convicted of offenses] and the
10 completion of forensic DNA testing of each of those
11 categories of DNA samples.

12 (3.1) The number of DNA samples expunged from the State
13 DNA Data Base.

14 (4) Recommendations, if any, under this section for the
15 inclusion of additional offenses for which DNA samples must
16 be collected or recommendations for the removal of specific
17 offenses from the categories requiring the collection of DNA
18 samples from arrestees or persons convicted of crimes.

19 § 2316. DNA sample required [upon conviction, delinquency
20 adjudication and certain ARD cases].

21 (a) General rule.--A person who is convicted or adjudicated
22 delinquent for criminal homicide, a felony sex offense or other
23 specified offense or who is or remains incarcerated for a felony
24 sex offense or other specified offense on or after the effective
25 date of this chapter shall have a DNA sample collected as
26 follows:

27 (1) A person who is sentenced or receives a delinquency
28 disposition to a term of confinement for an offense covered
29 by this subsection shall have a DNA sample collected upon
30 intake to a prison, jail or juvenile detention facility or

1 any other detention facility or institution. If the person is
2 already confined at the time of sentencing or adjudication,
3 the person shall have a DNA sample collected immediately
4 after the sentencing or adjudication. If a DNA sample is not
5 timely collected in accordance with this section, the DNA
6 sample may be collected any time thereafter by the prison,
7 jail, juvenile detention facility, detention facility or
8 institution.

9 (2) A person who is convicted or adjudicated delinquent
10 for an offense covered by this subsection shall have a DNA
11 sample collected as a condition for any sentence or
12 adjudication which disposition will not involve an intake
13 into a prison, jail, juvenile detention facility or any other
14 detention facility or institution.

15 (3) Under no circumstances shall a person who is
16 convicted or adjudicated delinquent for an offense covered by
17 this subsection be released in any manner after such
18 disposition unless and until a DNA sample and fingerprints
19 have been collected.

20 (b) Condition of release, probation or parole.--

21 (1) A person who has been convicted or adjudicated
22 delinquent for criminal homicide, a felony sex offense or
23 other specified offense and who serves a term of confinement
24 in connection therewith after June 18, 2002, shall not be
25 released in any manner unless and until a DNA sample has been
26 collected.

27 (2) This chapter shall apply to incarcerated persons
28 convicted or adjudicated delinquent for criminal homicide, a
29 felony sex offense or other specified offense prior to June
30 19, 2002.

1 (3) The following shall apply:

2 (i) Except as provided under subparagraph (ii), this
3 chapter shall apply to incarcerated persons and persons
4 on probation or parole who were convicted or adjudicated
5 delinquent for criminal homicide, a felony sex offense or
6 other specified offenses prior to the effective date of
7 this paragraph.

8 (ii) Subparagraph (i) shall not apply to persons
9 convicted or adjudicated delinquent of an offense
10 enumerated under paragraph (4) or (6) of the definition
11 of "other specified offense" in section 2303 (relating to
12 definitions).

13 (c) Certain ARD cases.--Acceptance into ARD as a result of a
14 criminal charge for criminal homicide, a felony sex offense or
15 other specified offense, other than an offense enumerated under
16 paragraph (4) or (6) of the definition of "other specified
17 offense" in section 2303 filed after June 18, 2002, [may] shall
18 be conditioned upon the collection of a DNA sample.

19 (c.1) Arrest.--A person who is arrested in this Commonwealth
20 for criminal homicide, a felony sex offense or other specified
21 offense shall have a DNA sample collected as follows:

22 (1) The person shall have a DNA sample collected at the
23 time fingerprints are collected under 18 Pa.C.S. § 9112
24 (relating to mandatory fingerprinting). DNA collected shall
25 be submitted to the State Police within 48 hours in a manner
26 prescribed by rules, regulations and guidelines promulgated
27 under section 2318 (relating to procedures for conduct,
28 disposition and use of DNA analysis).

29 (2) The person may not be released until a DNA sample
30 and fingerprints are collected.

1 (3) If a DNA sample is not timely collected in
2 accordance with this subsection, the DNA sample may be
3 collected any time thereafter by a law enforcement official,
4 prison, jail, juvenile detention facility, detention facility
5 or institution.

6 (d) Supervision of DNA samples.--All DNA samples collected
7 pursuant to this section shall be collected in accordance with
8 rules, regulations and guidelines promulgated by the State
9 Police in consultation with the Department of Corrections.

10 (d.1) Mandatory submission.--The requirements of this
11 chapter are mandatory and apply regardless of whether a court
12 advises a person that a DNA sample must be provided to the State
13 DNA Data Base and the State DNA Data Bank as a result of [a] an
14 arrest, conviction or adjudication of delinquency. A person who
15 has been sentenced to death or life imprisonment without the
16 possibility of parole or to any term of incarceration is not
17 exempt from the requirements of this chapter. Any person subject
18 to this chapter who has not provided a DNA sample for any
19 reason, including because of an oversight or error, shall
20 provide a DNA sample for inclusion in the State DNA Data Base
21 and the State DNA Data Bank after being notified by authorized
22 law enforcement or corrections personnel. If a person provides a
23 DNA sample which is not adequate for any reason, the person
24 shall provide another DNA sample for inclusion in the State DNA
25 Data Base and the State DNA Data Bank after being notified by
26 authorized law enforcement or corrections personnel. The DNA
27 sample may be collected under this chapter but shall not be
28 required if the authorized law enforcement or corrections
29 official confirms that a DNA sample from the person has already
30 been validly collected and provided to the State DNA Data Bank

1 and a DNA record for the person exists in the State DNA Data
2 Base.

3 (e) Definition.--As used in this section, the term
4 "released" means any release, parole, furlough, work release,
5 prerelease or release in any other manner from a prison, jail,
6 juvenile detention facility or any other place of confinement.

7 § 2317. Procedures for collection and transmission of DNA
8 samples.

9 (a) Collection of DNA samples.--

10 (1) Each DNA sample required to be collected pursuant to
11 sections 2316 (relating to DNA sample required [upon
12 conviction, delinquency adjudication and certain ARD cases])
13 and 2316.1 (relating to collection from persons accepted from
14 other jurisdictions) shall be collected as follows:

15 * * *

16 Section 4. Title 44 is amended by adding a section to read:

17 § 2318.1. Request for modified DNA search.

18 (a) Procedure.--

19 (1) A criminal justice agency may request in writing
20 that the State Police perform a modified DNA search in an
21 unsolved case and shall provide information as required by
22 the State Police.

23 (2) The State Police may grant a request to conduct a
24 modified DNA search if the State Police determine that the
25 request complies with subsection (d) (2).

26 (b) Modified DNA search.--

27 (1) The State Police may conduct a modified DNA search
28 after the State Police grants a request under subsection (a)
29 (2).

30 (2) The State Police may conduct a modified DNA search

1 in unsolved cases without the request of a criminal justice
2 agency if the State Police determine that it would have
3 granted a request had a request been made by a criminal
4 justice agency.

5 (3) The State Police shall develop and use procedures
6 for conducting a modified DNA search that are consistent with
7 the rules, regulations and guidelines promulgated under
8 section 2318 (relating to procedures for conduct, disposition
9 and use of DNA analysis).

10 (c) Release of information.--The State Police shall provide
11 the requesting criminal justice agency with personally
12 identifying information of individuals whose DNA records were
13 identified through a modified DNA search.

14 (d) Requirements.--

15 (1) The State Police shall require a criminal justice
16 agency to provide assurances and information in support of
17 the request for a modified DNA search, including:

18 (i) A representation that a modified DNA search is
19 necessary for law enforcement identification purposes in
20 an unsolved case.

21 (ii) A representation that all other investigative
22 leads have been pursued.

23 (iii) A commitment to further investigate the case
24 if personal identifying information from a modified DNA
25 search is provided.

26 (iv) Any other information that the State Police
27 deem necessary.

28 (2) The State Police may grant a modified DNA search
29 request if the State Police determine that:

30 (i) The crime scene DNA profile has sufficient size,

1 quality and integrity.

2 (ii) The crime scene DNA profile has previously been
3 subjected to a routine DNA search against the State DNA
4 Data Base and the National DNA Index System.

5 (iii) The modified DNA search is necessary for law
6 enforcement identification purposes in an unsolved case.

7 (iv) The criminal justice agency has pursued all
8 other investigative leads.

9 (v) Any relevant consideration, including factors or
10 requirements considered by any other jurisdiction,
11 supports granting the request.

12 (3) The State Police procedures developed under
13 subsection (b) (3) to conduct modified DNA searches shall be
14 based on scientifically valid and reliable methods to
15 determine that a crime scene DNA profile is sufficiently
16 likely to have originated from a close relative of an
17 individual whose DNA profile is recorded in the State DNA
18 Data Base or the National DNA Index System. The State Police
19 may require the following:

20 (i) An analysis of the rarity in the relevant
21 population of each shared DNA characteristic.

22 (ii) An analysis of the pattern of shared DNA
23 characteristics.

24 (iii) Y chromosome analysis.

25 (iv) Mitochondrial DNA analysis.

26 (v) Any other suitable method designed to determine
27 that a crime scene DNA profile originated from a close
28 relative of an individual in the State DNA Data Base or
29 the National DNA Index System.

30 Section 5. Section 2319 of Title 44 is amended by adding a

1 subsection to read:

2 § 2319. DNA data base exchange.

3 * * *

4 (d) Separate category.--The State Police shall create a
5 separate category within the State DNA Data Base to store DNA
6 samples and records collected upon arrest under section
7 2316(c.1) (relating to DNA sample required).

8 Section 6. Sections 2321(b.1)(1) and 2322 of Title 44 are
9 amended to read:

10 § 2321. Expungement.

11 * * *

12 (b.1) Expungement by court order.--The following shall
13 apply:

14 (1) Except as provided under paragraph (2), a person may
15 request the court of common pleas of the county where the
16 original charges were filed or an arrest was made to issue an
17 order directing the expungement of the DNA sample, record or
18 profile pertaining to the person in the State DNA Data Bank
19 or the State DNA Data Base in the following instances:

20 (i) the conviction or delinquency adjudication for
21 which the person's DNA sample was collected has been
22 reversed and no appeal is pending;

23 (i.1) the charge for which the DNA sample was taken
24 has been dismissed, no appeal is pending and the
25 prosecuting authority is barred from further prosecution;

26 (i.2) there has been a judgment of acquittal on the
27 charge for which the DNA sample was taken and no further
28 appeal is pending;

29 (i.3) the person from whom the DNA sample was taken
30 was not charged with a crime for which a DNA sample is

1 authorized to be taken under this chapter;

2 (i.4) the prosecuting authority has expressly
3 declined to prosecute the charge for which the DNA sample
4 was taken;

5 (i.5) the charge for which the DNA sample was taken
6 was not filed within the statute of limitations;

7 (ii) the person was granted an unconditional pardon
8 for the crime for which the DNA sample was taken; or

9 (iii) the DNA sample, record or profile was included
10 in the State DNA Data Bank or State DNA Data Base by
11 mistake and the State Police has erroneously refused to
12 grant the person's request for removal under subsection

13 (b).

14 * * *

15 § 2322. Mandatory cost.

16 Unless the court finds that undue hardship would result, a
17 mandatory cost of \$250, which shall be in addition to any other
18 costs imposed pursuant to statutory authority, shall
19 automatically be assessed on any person convicted, adjudicated
20 delinquent or granted ARD for criminal homicide, a felony sex
21 offense or other specified offense, and all proceeds derived
22 from this section shall be transmitted to the fund.

23 Section 7. This act shall take effect in 60 days.