

DNA Sampling and Analysis

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Issue

Which criminal offenders are required to submit to DNA samples? Where is DNA information stored?

Summary

Connecticut mandates the collection of DNA from offenders convicted of, or acquitted by reason of “mental disease or defect,” of a felony or a crime requiring sex offender registration. The crimes that require registration are criminal offenses to minors, nonviolent sexual crimes, and sexually violent crimes. The law additionally requires individuals arrested for certain serious felony offenses to provide a DNA sample before they are released from custody if they were previously convicted of a felony and had not already provided a DNA sample.

The law tasks the Division of Scientific Services within the Department of Emergency Services and Public Protection (DESPP) with analyzing the DNA samples it receives and storing the results in a database DESPP maintains. The results of the analysis must be made available directly to law enforcement officers upon request to further a criminal investigation.

Offenders Required to Submit to Testing

Connecticut law mandates the collection of DNA from any criminal offender who has been convicted, or acquitted by reason of “mental disease or defect,” of a criminal offense to a minor, nonviolent sexual crimes, sexually violent crimes, or a felony ([CGS § 54-102g](#)).

Table 1 shows the sex offenses for which convicted offenders must submit to DNA testing.

Table 1: Convicted Sex Offenders Required to Submit to DNA Testing

Nonviolent Sexual Offenses	Criminal Offenses Against a Victim Who is a Minor	Sexually Violent Offenses
Fourth-degree sexual assault, which generally involves nonviolent sexual contact with specified vulnerable victims (CGS § 53a-73a)	Risk of injury to a minor involving contact with the intimate parts of someone under age 16 (CGS § 53-21(a)(2))	First-degree sexual assault, other than the portion covered under crimes against a minor (CGS § 53a-70)
Voyeurism committed under various circumstances specified by law (CGS § 53a-189a (a)(2),(3),(4))	First-degree sexual assault involving sexual intercourse with someone under age 13 and actor is more than two years older than the victim (CGS § 53a-70(a)(2))	First-degree aggravated sexual assault (CGS § 53a-70a)
	Second-degree sexual assault under various circumstances involving intercourse with a minor (CGS § 53a-71)	Sexual assault in a spousal or cohabiting relationship (CGS § 53a-70b)
	Third-degree sexual assault involving a close relative (CGS § 53a-72a(a)(2))	Second-degree sexual assault, other than the portion covered under crimes against minors (CGS § 53a-71)
	Advancing or profiting from prostitution of someone under age 18 (first-degree) (CGS § 53a-86(a)(2))	Third-degree sexual assault, other than the portion covered under crimes against minors (CGS § 53a-72a)
	Enticing someone under age 18 through interactive computer use (CGS § 53a-90a)	Third-degree sexual assault with a firearm (CGS § 53a-72b)
	Employing or promoting a minor in an obscene performance (CGS §§ 53a-196a , 53a-196b)	First-degree kidnapping with or without a firearm, if the court finds that the offense was committed with the intent of sexually violating or abusing the victim (CGS §§ 53a-92 , -92a)
	Importing or possessing child pornography (other than, in limited circumstances, if the person who possesses the pornography is a minor) (CGS §§ 53a-196c through -196f)	
	First- or second-degree kidnapping with or without a firearm, first- or second-degree unlawful restraint, or public indecency, when the court finds that the victim is under age 18 (CGS §§ 53a-92 , 53a-92a , 53a-94 , 53a-94a , 53a-95 , 53a-96 , and 53a-186)	

The law also requires law enforcement agencies, as available resources allow, to collect DNA samples from individuals arrested for certain serious felonies (see Table 2) who have at least one previous felony conviction and have not previously submitted a DNA sample ([CGS § 54-102g\(a\)](#)).

Table 2: Felonies Requiring DNA Testing Upon Arrest

Murder (CGS § 53a-54a)	Murder with Special Circumstances (CGS § 53a-54b)	Felony Murder (CGS § 53a-54c)	Arson Murder (CGS § 53a-54d)
First- and Second-Degree Manslaughter (CGS §§ 53a-55 , -56)	First- and Second-Degree Manslaughter with a Firearm (CGS §§ 53a-55a , -56a)	Second-Degree Manslaughter with a Motor Vehicle (CGS § 53a-56b)	Misconduct with a Motor Vehicle (CGS § 53a-57)
First- and Second-Degree Assault (CGS §§ 53a-59 , -60)	First- and Second-Degree Assault of Elderly, Blind, Disabled, or Pregnant Person or Person with Intellectual Disability (CGS §§ 53a-59a , -60b)	Second-Degree Assault with a Firearm (CGS § 53a-60a)	Second-Degree Assault of Elderly, Blind, Disabled, or Pregnant Person or Person with Intellectual Disability with a Firearm (CGS § 53a-60c)
First-Degree Sexual Assault (CGS § 53a-70)	Aggravated First-Degree Sexual Assault (CGS § 53a-70a)	Sexual Assault in Spousal or Cohabiting Relationship (CGS § 53a-70b)	Third-Degree Sexual Assault with a Firearm (CGS § 53a-72b)
First- and Second-Degree Kidnapping (CGS §§ 53a-92 , -94)	First- and Second-Degree Kidnapping with a Firearm (CGS § 53a-92a , -94a)	First-Degree Unlawful Restraint (CGS § 53a-95)	Home Invasion (CGS § 53a-100aa)
First- and Second-Degree Burglary (CGS §§ 53a-101 , -102)	Second- and Third-Degree Burglary with a Firearm (CGS §§ 53a-102a , -103a)	First- and Second-Degree Arson (CGS §§ 53a-111 , -112)	First-, Second-, and Third-Degree Robbery (CGS §§ 53a-134 , -135 , -136)
Assault of Public Safety, Emergency Medical, Public Transit, or Health Care Personnel (CGS § 53a-167c)	Prison Rioting (CGS § 53a-179b)	Inciting Prison Rioting (CGS § 53a-179c)	First-Degree Stalking (CGS § 53a-181c)

Individuals who (1) are in state Department of Correction (DOC) custody, under parole or probation, or under the Psychiatric Security Review Board’s jurisdiction and (2) were convicted or found not guilty by reason of mental disease or defect in another state of a felony or sex offense must submit to a DNA sample before discharge from custody, supervision or jurisdiction ([CGS § 54-102g\(f\)](#)).

DNA Collection

Connecticut law limits who can draw blood for a sample to physicians, registered nurses, qualified laboratory technicians, and phlebotomists ([CGS § 54-102h](#)).

Certain state agencies must conduct DNA sampling when they are responsible for an offender who (1) is either convicted or found not guilty by reason of mental disease or defect of a serious felony and (2) did not submit to DNA collection when arrested or previously convicted. Table 3 shows which agencies are responsible for DNA collection.

Table 3: Agency Responsible for Collecting DNA

<i>Agency Collecting Data</i>	<i>Type of Offender</i>
Arresting law enforcement agency (as available resources allow)	Individual arrested for committing a serious felony and has a previous felony conviction for which he or she did not provide a DNA sample
DOC	Offenders convicted and sentenced to the custody of the DOC commissioner
Judicial Branch's Court Support Services Division (CSSD)	Offenders who have been convicted and are not sentenced on that conviction for a term of confinement
Department of Mental Health and Addiction Services (DMHAS) or Department of Developmental Services (DDS), as applicable	Offenders found not guilty by reason of mental disease or defect and who are in the custody of DMHAS or DDS
CSSD or DOC, as applicable	Offenders serving a term of probation or parole
The agency (1) in whose custody the offender is placed or (2) that has supervision of, or jurisdiction over, the offender	Offenders convicted or found not guilty by reason of mental disease or defect in another state of a crime that requires DNA submissions in this state (this requirement applies regardless of whether a DNA sample was previously taken)

Source: [CGS § 54-102h](#)

DNA Analysis and Storage

The Division of Scientific Services receives all DNA samples, and must analyze, classify, and file the results ([CGS § 54-102i](#)). By law, it is required to conduct this analysis in accordance with nationally recognized standards and procedures. It maintains a database of its analyses, including the profile and identifying information of each sample ([CGS § 54-102g](#)).

DESPP must maintain a form that includes certain information such as the name of the person whose sample is analyzed and a statement that the seal on the sample has not been broken ([CGS § 54-102i](#)).

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