



# **Determining Whether A DNA Data Bank Sample Is Required**

**Qualifying Offenses – Effective July 1, 2018**

# Samples Are Required from:



- Adults convicted of any felony or certain misdemeanor offenses
- Juveniles, 14 or older at the time of the offense, convicted or adjudicated delinquent of any offense that would be a felony if committed by an adult
- Adults arrested for any violent felony and for certain burglary offenses
- Individuals registered with the Virginia Sex Offender and Crimes Against Minors Registry
- Individuals ordered to provide a sample by a circuit court pursuant to a lawful plea agreement (copy of agreement must be sent with sample)

# Convicted Adult Offenders - § 19.2-310.2



Samples are required from an adult convicted of any felony or any of the following misdemeanors:

§ 16.1-253.2	Violation of a protective order
§ 18.2-57	Assault and battery <i>(Added effective 7/1/18)</i>
§ 18.2-60.3	Stalking
§ 18.2-60.4	Violation of a stalking protective order
§ 18.2-67.4	Sexual Battery
§ 18.2-67.4:1	Infected sexual battery
§ 18.2-67.4:2	Sexual abuse of a child under 15 years of age
§ 18.2-67.5	Attempted sexual battery
§ 18.2-102	Unauthorized use of animal, aircraft, vehicle or boat
§ 18.2-119	Trespass <i>(Added effective 7/1/18)</i>
§ 18.2-121	Unlawful entry of property of another for purpose of damaging it, etc.
§ 18.2-130	Peeping or spying into dwelling or enclosure
§ 18.2-370.6	Penetration of mouth of child with lascivious intent
§ 18.2-387	Indecent exposure
§ 18.2-387.1	Obscene sexual display
§ 18.2-460(E)	Resisting arrest; fleeing a law enforcement officer <i>(§ 18.2-479.1 prior to 7/1/18)</i>

# Qualifying Felony Arrests



You will not be required to verify if an offense is a qualifying one

- Language will automatically be printed on the warrant any time a qualifying arrestee offense is charged, directing that you “Take buccal sample if LIDS shows no DNA sample in Data Bank”
- You must specify on any qualifying arrest warrant whether you took a buccal sample for this arrest or if a sample was previously taken by checking the appropriate box
- Collect sample during booking process
- A complete list of qualifying felony arrests can be found here:

[www.scb.virginia.gov/DNA/dnalogin.cfm](http://www.scb.virginia.gov/DNA/dnalogin.cfm)

# Conviction and Sentencing Required Before Sample Collection



## Deferred Dispositions

- A sample should NOT be collected from any adult or juvenile convicted or adjudicated delinquent where the disposition is deferred or the qualifying offense is taken under advisement
- A conviction (and sentencing) is required before the sample is taken

## Sentencing Order Required

- A conviction order is not final until sentencing is complete – a DNA sample should NOT be collected until sentencing has occurred



# Before Collecting Buccal Sample

- Virginia law requires you to verify that a sample has not previously been taken from the subject by accessing the “LIDS DNA sample tracking” application on the State Compensation Board website:

[www.scb.virginia.gov/DNA/dnalogin.cfm](http://www.scb.virginia.gov/DNA/dnalogin.cfm)

- **LIDS DNA Sample Tracking login credentials:**
  - User ID (agency ORI number)
  - Password (agency VCIN mnemonic)

# Checking LIDS DNA Sample Tracking Application



- Conduct a search using the subject's name or social security number
  - Use name, SSN and any aliases if no match is found for subject from your initial search
- If a match is made, verify that other identifying information is correct
- If a match is verified, you should NOT take an additional sample



# DNA Data Bank Resources

<http://www.dfs.virginia.gov>

## DNA Data Bank Hours:

Monday – Friday 8:00 a.m. – 5:00 p.m.

Phone: 804-786-3789

Fax: 804-786-9985