

Local Government Mandate Statement Kentucky Legislative Research Commission Session

Part I: Measure Information

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|------------------------|--|-----------------|-----------------------|
| Bill Request #: | 1663 | Bill #: | HB 414/HCS 1 |
| Document ID #: | 5778 | Sponsor: | Rep. Patrick Flannery |
| Bill Title: | AN ACT relating to booking procedures in local jails | | |

Unit of Government: ☒ City ☒ County ☒ Urban-County
☒ Charter County ☒ Consolidated Local ☒ Unified Local

Office(s) Impacted: Law Enforcement, Jails

Requirement: ☒ Mandatory ☐ Optional

Effect on Powers
& Duties: ☒ Modifies Existing ☒ Adds New ☐ Eliminates Existing

Other Fiscal Statement(s) that may exist: ☐ Actuarial Analysis ☐ Corrections Impact
☐ Health Benefit Mandate ☐ State Employee Health Plan

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Section 1 defines “rapid DNA instruments” for the purposes of the bill as instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.

Section 2 amends KRS 17.170 to broaden who is required to have a DNA sample collected and analyzed by the Kentucky State Police. Any adult arrested, indicted for, or charged with a felony must have a DNA sample collected by authorized personnel. The section also establishes who is required to collect the sample in different situations. If the person already has a DNA sample on file, then it is not necessary to collect another. In all cases, the collected sample shall be sent to the Department of Kentucky State Police forensic laboratory. DNA samples may be used in furtherance of a criminal investigation until the person from whom the DNA sample was obtained is granted an expungement.

Section 3 stipulates that DNA samples obtained are not authorized for identification of any medical or genetic disorder. It also revises procedures for removal and destruction of the DNA record if the arrest or conviction resulted in an acquittal, a dismissal, a nolle prosequi, a conviction for a nonfelony offense, or if the person successfully completed a

pretrial diversion program. The section requires expungement requests to be accompanied by verifying documentation as required by administrative regulations promulgated by the Justice and Public Safety Cabinet.

The expected fiscal impact of HB 414/HCS 1 is minimal. Training all law enforcement personnel and jail personnel how to properly collect DNA samples would require a significant investment of time. However, training would be offered by Kentucky State Police, so it would not require additional expenditures on the part of local law enforcement and jails. Local jails, police, and sheriff's departments will need to provide DNA collection kits to be sent to the Kentucky State Police forensic laboratory.

Data Source(s): LRC Staff

Preparer: TJ **Reviewer:** HT (MDA) **Date:** 2/18/26