

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 4312

STATE OF NEW JERSEY
222nd LEGISLATURE

ADOPTED OCTOBER 15, 2026

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Requires collection of DNA sample for certain arrests.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Law and Public Safety Committee.



1 **AN ACT** concerning DNA testing and amending P.L.1994, c.136.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5

6 1. Section 4 of P.L.1994, c.136 (C.53:1-20.20) is amended to
7 read as follows:

8 4. a. On or after January 1, 1995 every person convicted of
9 aggravated sexual assault and sexual assault under N.J.S.2C:14-2 or
10 aggravated criminal sexual contact and criminal sexual contact
11 under N.J.S.2C:14-3 or any attempt to commit any of these crimes
12 and who is sentenced to a term of imprisonment shall have a blood
13 sample drawn or other biological sample collected for purposes of
14 DNA testing upon commencement of the period of confinement.

15 In addition, every person convicted on or after January 1, 1995
16 of these offenses, but who is not sentenced to a term of
17 confinement, shall provide a DNA sample for purposes of DNA
18 testing as a condition of the sentence imposed. A person who has
19 been convicted and incarcerated as a result of a conviction of one or
20 more of these offenses prior to January 1, 1995 shall provide a
21 DNA sample before parole or release from incarceration.

22 Every person arrested for an offense enumerated in this
23 subsection shall provide a DNA sample for purposes of DNA
24 testing prior to the person's release from custody.

25 b. On or after January 1, 1998 every juvenile adjudicated
26 delinquent for an act which, if committed by an adult, would
27 constitute aggravated sexual assault or sexual assault under
28 N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal
29 sexual contact under N.J.S.2C:14-3, or any attempt to commit any
30 of these crimes, shall have a blood sample drawn or other biological
31 sample collected for purposes of DNA testing.

32 Every juvenile arrested for an act which, if committed by an
33 adult, would constitute an offense enumerated in this subsection
34 shall provide a DNA sample for purposes of DNA testing prior to
35 the juvenile's release from custody.

36 c. On or after January 1, 1998 every person found not guilty by
37 reason of insanity of aggravated sexual assault or sexual assault
38 under N.J.S.2C:14-2 or aggravated criminal sexual contact or
39 criminal sexual contact under N.J.S.2C:14-3, or any attempt to
40 commit any of these crimes, or adjudicated not delinquent by reason
41 of insanity for an act which, if committed by an adult, would
42 constitute one of these crimes, shall have a blood sample drawn or
43 other biological sample collected for purposes of DNA testing.

44 d. On or after January 1, 2000 every person convicted of
45 murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 N.J.S.2C:11-4, aggravated assault of the second degree pursuant to
2 paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping
3 pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of
4 P.L.1993, c.291 (C.2C:13-6), endangering welfare of children
5 pursuant to N.J.S.2C:24-4, except for paragraph (2) of subsection
6 a., or any attempt to commit any of these crimes and who is
7 sentenced to a term of imprisonment shall have a blood sample
8 drawn or other biological sample collected for purposes of DNA
9 testing upon commencement of the period of confinement.

10 In addition, every person convicted on or after January 1, 2000
11 of these offenses, but who is not sentenced to a term of
12 confinement, shall provide a DNA sample as a condition of the
13 sentence imposed. A person who has been convicted and
14 incarcerated as a result of a conviction of one or more of these
15 offenses prior to January 1, 2000 shall provide a DNA sample
16 before parole or release from incarceration.

17 Every person arrested for an offense enumerated in this
18 subsection shall provide a DNA sample for purposes of DNA
19 testing prior to the person's release from custody.

20 e. On or after January 1, 2000 every juvenile adjudicated
21 delinquent for an act which, if committed by an adult, would
22 constitute murder pursuant to N.J.S.2C:11-3, manslaughter pursuant
23 to N.J.S.2C:11-4, aggravated assault of the second degree pursuant
24 to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1,
25 kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in
26 violation of P.L.1993, c.291 (C.2C:13-6), endangering welfare of
27 children pursuant to N.J.S.2C:24-4, except for paragraph (2) of
28 subsection a., or any attempt to commit any of these crimes, shall
29 have a blood sample drawn or other biological sample collected for
30 purposes of DNA testing.

31 Every juvenile arrested for an act which, if committed by an
32 adult, would constitute an offense enumerated in this subsection
33 shall provide a DNA sample for purposes of DNA testing prior to
34 the juvenile's release from custody.

35 f. On or after January 1, 2000 every person found not guilty by
36 reason of insanity of murder pursuant to N.J.S.2C:11-3,
37 manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the
38 second degree pursuant to paragraph (1) or (6) of subsection b. of
39 N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or
40 enticing a child in violation of P.L.1993, c.291 (C.2C:13-6),
41 endangering welfare of children pursuant to N.J.S.2C:24-4, except
42 for paragraph (2) of subsection a., or any attempt to commit any of
43 these crimes, or adjudicated not delinquent by reason of insanity for
44 an act which, if committed by an adult, would constitute one of
45 these crimes, shall have a blood sample drawn or other biological
46 sample collected for purposes of DNA testing.

47 g. Every person convicted or found not guilty by reason of
48 insanity of a crime or a specified disorderly persons offense shall

1 have a blood sample drawn or other biological sample collected for
2 purposes of DNA testing. If the person is sentenced to a term of
3 imprisonment or confinement, the person shall have a blood sample
4 drawn or other biological sample collected for purposes of DNA
5 testing upon commencement of the period of imprisonment or
6 confinement. If the person is not sentenced to a term of
7 imprisonment or confinement, the person shall provide a DNA
8 sample as a condition of the sentence imposed. A person who has
9 been convicted or found not guilty by reason of insanity of a crime
10 prior to the effective date of P.L.2003, c.183 or of a specified
11 disorderly persons offense prior to the effective date of P.L.2015,
12 c.263 and who, on the effective date, is serving a sentence of
13 imprisonment, probation, parole or other form of supervision as a
14 result of the crime or is confined following acquittal by reason of
15 insanity shall provide a DNA sample before termination of
16 imprisonment, probation, parole, supervision or confinement, as the
17 case may be.

18 h. Every juvenile adjudicated delinquent, or adjudicated not
19 delinquent by reason of insanity, for an act which, if committed by
20 an adult, would constitute a crime or a specified disorderly persons
21 offense shall have a blood sample drawn or other biological sample
22 collected for purposes of DNA testing. If under the order of
23 disposition the juvenile is sentenced to some form of imprisonment,
24 detention or confinement, the juvenile shall have a blood sample
25 drawn or other biological sample collected for purposes of DNA
26 testing upon commencement of the period of imprisonment,
27 detention or confinement. If the order of disposition does not
28 include some form of imprisonment, detention or confinement, the
29 juvenile shall provide a DNA sample as a condition of the
30 disposition ordered by the court. A juvenile who, prior to the
31 effective date of P.L.2003, c.183, has been adjudicated delinquent,
32 or adjudicated not delinquent by reason of insanity for an act which,
33 if committed by an adult, would constitute a crime or, prior to the
34 effective date of P.L.2015, c.263, has been adjudicated delinquent
35 or adjudicated not delinquent by reason of insanity for an act which,
36 if committed by an adult, would constitute a specified disorderly
37 persons offense, and who on the effective date is under some form
38 of imprisonment, detention, confinement, probation, parole or any
39 other form of supervision as a result of the offense or is confined
40 following an adjudication of not delinquent by reason of insanity
41 shall provide a DNA sample before termination of imprisonment,
42 detention, supervision or confinement, as the case may be.

43 As used in this act, "specified disorderly persons offense" shall
44 mean assault constituting domestic violence as defined in section 3
45 of P.L.1991, c.261 (C.2C:25-19); prostitution pursuant to
46 N.J.S.2C:34-1; any disorderly persons offense relating to narcotics
47 or dangerous drugs for which a person is required to be
48 fingerprinted pursuant to section 1 of P.L.1952, c.92 (C.53:1-18.1),

1 excluding possession of 50 grams or less of marijuana, including
2 any adulterants or dilutants, or five grams or less of hashish under
3 N.J.S.2C:35-10; or any other disorderly persons offense for which a
4 person is required to be fingerprinted pursuant to R.S.53:1-15. A
5 "specified disorderly persons offense" shall not include shoplifting
6 pursuant to N.J.S.2C:20-11.

7 i. Nothing in this act shall be deemed to limit or preclude
8 collection of DNA samples as authorized by court order or in
9 accordance with any other law.

10 j. (1) Every person arrested for human trafficking pursuant to
11 section 1 of P.L.2005, c.77 (C.2C:13-8), aggravated arson or arson
12 pursuant to N.J.S.2C:17-1, carjacking pursuant to section 1 of
13 P.L.1993, c.221 (C.2C:15-2), burglary pursuant to N.J.S.2C:18-2,
14 home invasion burglary pursuant to section 1 of P.L.2024, c.83
15 (C.2C:18-2.1), or residential burglary pursuant to section 2 of
16 P.L.2024, c.83 (C.2C:18-2.2) shall provide a DNA sample for
17 purposes of DNA testing prior to the person's release from custody.

18 (2) Every juvenile arrested for an act which, if committed by an
19 adult, would constitute human trafficking pursuant to section 1 of
20 P.L.2005, c.77 (C.2C:13-8), aggravated arson or arson pursuant to
21 N.J.S.2C:17-1, carjacking pursuant to section 1 of P.L.1993, c.221
22 (C.2C:15-2), burglary pursuant to N.J.S.2C:18-2, home invasion
23 burglary pursuant to section 1 of P.L.2024, c.83 (C.2C:18-2.1), or
24 residential burglary pursuant to section 2 of P.L.2024, c.83
25 (C.2C:18-2.2) shall provide a DNA sample for purposes of DNA
26 testing prior to the juvenile's release from custody.

27 (cf: P.L.2019, c.122, s.1)

28
29 2. This act shall take effect immediately.