

Kansas Administrative Regulations

Kansas Bureau of Investigation

Article 21.—Kansas Bureau of Investigation DNA Databank

10-21-6. Collection of samples for DNA databank.

(a) The collection, labeling, storage, handling, preservation, and shipment of DNA samples obtained from persons required to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, for the DNA databank shall be in conformance with the manner prescribed by the director. Copies of the applicable protocol may be obtained from the KBI laboratory.

(b) Each person required to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, shall be positively identified using photo identification before taking the DNA sample.

(c) When the person required to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq. and amendments thereto is positively identified, one buccal sample shall be taken from the person.

(d) Each buccal sample shall be taken using only the DNA sample collection kit provided by the KBI.

(e)(1) The DNA information form provided in the collection kit or generated from the remote-collection software shall be completed, providing all information requested on the form.

(2) The left and right thumbs of the person required to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, shall be imprinted by means of an inked impression in the spaces indicated on the form.

(3) Each person taking the DNA sample and thumbprints shall complete and sign, as indicated on the form, a verification that the DNA sample was taken from the positively identified person required to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(f) All buccal samples collected shall be submitted as soon as possible to the KBI in the manner prescribed in the DNA sample collection kit's instructions.

(g) Results from the DNA analysis made from buccal samples obtained from persons required to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, shall be entered into the DNA database.

(h) Each person required to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, shall submit the DNA sample upon arrest, charge, or placement in custody pursuant to K.S.A. 21-2511, and amendments thereto, or upon registration pursuant to K.S.A. 22-4901 et seq., and amendments thereto.

(i) Law enforcement shall facilitate the collection of DNA samples. Each person required to submit a DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, shall have the DNA sample collection kit completed at a law enforcement agency.

(j) When any person is convicted or adjudicated, the cost or fee associated with collection of the DNA sample shall be paid by the person submitting the DNA sample pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(Authorized by and implementing K.S.A. 2022 Supp. 21-2511 and K.S.A. 2022 Supp. 22-4904; effective Dec. 22, 1995; amended April 19, 2002; amended Dec. 8, 2023.)

***** Authenticated Kansas Administrative Regulation *****