

Date of Hearing: April 14, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2018 (Ramos) – As Amended April 7, 2026

SUMMARY: Requires the Missing Person DNA Program to be used for all cases involving the report of an unidentified person, whether living or deceased. Specifically, **this bill:**

- 1) Deletes existing law related to use of the Missing Person DNA Program for “high-risk missing persons.
- 2) Authorizes the retention of DNA extracted from a living person, as specified, if the identified human remains are incomplete and there is a reasonable expectation that additional remains requiring identification may be found in the future.

EXISTING LAW:

- 1) Requires the Department of Justice (DOJ) to develop a DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person. (Pen. Code, § 14250, subd. (a)(1).)
- 2) Mandates the DNA database be comprised of DNA data from genetic markers that are appropriate for human identification but have no capability to predict biological function other than gender. These markers shall be selected by the DOJ and may change as the technology for DNA typing progresses. (Pen. Code, § 14250, subd. (a)(2).)
- 3) Requires the results of DNA typing be compatible with and uploaded into the CODIS DNA database established by the Federal Bureau of Investigation. The sole purpose of this database shall be to identify missing persons and shall be kept separate from the database established pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998. (*Ibid.*)
- 4) Requires the DOJ to compare DNA samples taken from the remains of unidentified deceased persons with DNA samples taken from personal articles belonging to the missing person, or from the parents or appropriate relatives of high-risk missing persons. (Pen. Code, § 14250, subd. (a)(3).)
- 5) Defines “high-risk missing person” as a person missing as a result of a stranger abduction, a person missing under suspicious circumstances, a person missing under unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency. (Pen. Code, § 14250, subd. (a)(4).)

- 6) Requires the DOJ to develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines. These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints. (Pen. Code, § 14250, subd. (b).)
- 7) Mandates a coroner to collect samples for DNA testing from the remains of all unidentified persons and send those samples to the DOJ for DNA testing and inclusion in the DNA databank. After the DOJ has taken a sample from the remains for DNA analysis and completed all DNA testing, the remaining evidence shall be returned to the appropriate local coroner. (Pen. Code, § 14250, subd. (c)(1).)
- 8) Requires that after a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available. The samples shall be taken by the appropriate law enforcement agency in a manner prescribed by the DOJ. The responsible investigating law enforcement agency shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample. (Pen. Code, § 14250, subd. (c)(2).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “AB 2018 modernizes California’s Missing Persons DNA Program to reflect significant technological advancements in science. By expanding and updating the state’s approach to missing persons DNA analysis and identification, the bill would strengthen the Department of Justice’s ability to resolve missing persons cases, deliver answers to families, and remain a national leader in the field. This modernization is particularly urgent given the disproportionate number of missing persons of color in California, particularly Indigenous communities impacted by the MMIP crisis.”
- 2) **Missing Person DNA Database:** CODIS, the Combined DNA Index System, is a broad network of DNA databases on the local, state, and federal level. The DNA Identification Act of 1994 (42 U.S.C. § 14132) authorized the establishment of this National DNA Index. The DNA Act specifies the categories of data that may be maintained in NDIS (convicted offenders, arrestees, legal, detainees, forensic [casework], unidentified human remains, missing persons, and relatives of missing persons) as well as requirements for participating laboratories relating to quality assurance, privacy, and expungement.

According to the U.S. Department of Justice, families of missing persons who are presumed dead face tremendous emotional turmoil when they are unable to learn about the fates of their loved ones. Despite tremendous scientific advancements, DNA technology is not routinely used in missing persons cases. According to statistics maintained by the FBI’s National Crime Information Center (NCIC), there are nearly 5,000 reported unidentified persons in the United States.

The FBI's Missing Persons DNA Database Program currently provides the essential infrastructure for identifying human remains. This database maintains two indices of DNA samples. The first index contains DNA profiles of relatives of missing persons and the second contains DNA profiles of unidentified human remains.

According to the DOJ, these indices are not part of the database of profiles from crime scenes and arrested or convicted people. The Missing and Unidentified Persons Section (MUPS) works closely with the Department of Justice Division of Law Enforcement's Bureau of Forensic Services Missing Persons DNA Program (MPDP). The Missing Persons DNA Program compares DNA from unidentified persons and unidentified human remains with DNA from personal articles belonging to missing persons and DNA from relatives of missing persons. According to the DOJ:

The Missing Persons DNA Program provides the following services related to missing and unidentified persons investigations: Autosomal STR testing, Y-STR (Y-chromosome) testing, and mitochondrial DNA testing.

The DNA profiles from missing and unidentified persons investigations are uploaded to the FBI's Combined DNA Index System (CODIS) for searching and comparison with the DNA samples from missing persons cases throughout the nation, not just in California.

DNA samples related to a missing person or unidentified human remains case should be submitted to the Missing Persons DNA Program through a law enforcement agency. All samples should be submitted with the appropriate Missing Persons DNA submission paperwork which can be found in the Missing Persons DNA collection kits.

The Missing Persons DNA Program services are provided at no cost to the public or to law enforcement agencies. The sole purpose of the program is to contribute to the effort of identifying missing persons. Parents and other relatives of missing persons are neither given an incentive to provide a DNA sample, nor will they be coerced or compelled to provide a sample. Further, DNA samples from relatives of missing persons are not searched against any criminal or offender DNA databases. They are only searched against the DNA samples from unidentified persons and unidentified human remains.

- 3) **Forensic Genetic Genealogy (FGG) and Privacy:** FGG has been used repeatedly since 2018 following the success in identifying the Golden State Killer. FGG combines genetic testing and traditional genealogical research to identify individuals in criminal investigations. This emerging field has become particularly prominent in solving cold cases and identifying unidentified remains.

Use of FGG in criminal investigations occurs as follows: Investigators collect a DNA sample from a crime scene. The DNA is analyzed to create a genetic profile, typically through methods like SNP (single nucleotide polymorphism) testing. The genetic profile is then compared against public databases such as GEDmatch, which contains genetic data voluntarily uploaded by users for genealogy purposes. A family tree is constructed using the matched genetic information, helping to narrow down potential suspects or identify individuals. Finally, identified individuals are verified through additional DNA testing.

Currently, the U.S. Supreme Court has not ruled whether use of FGG in the context of criminal investigations demands a warrant. However, the Court in *Carpenter v. United States* (2018) 585 U.S. 296 gave some indication of how it might rule on FGG. In *Carpenter*, the Court held the FBI conducted a “search” pursuant to the Fourth Amendment when it accessed third-party historical records of a suspect's cell-phone location.

In its decision, the Court deepened privacy protections for cell-phone usage and refused to apply the third-party doctrine since the suspect has a legitimate privacy interest in the records held by the third party. It also recounted the two “guideposts” of the Fourth Amendment: (a) securing “the privacies of life” against “arbitrary power,” and (b) placing “obstacles in the way of a too permeating police surveillance.” (*Id.*, 585 U.S. at 305.) Furthermore, Justice Gorsuch, in his dissent, indicated that he may vote differently on the use of the third-party doctrine when deciding on the use of FGG:

The problem isn't with the Sixth Circuit's application of *Smith* and *Miller* but with the cases themselves. Can the government demand a copy of all your e-mails from Google or Microsoft without implicating your Fourth Amendment rights? Can it secure your DNA from 23andMe without a warrant or probable cause? *Smith* and *Miller* say yes it can—at least without running afoul of *Katz*. But that result strikes most lawyers and judges today—me included—as pretty unlikely. In the years since its adoption, countless scholars, too, have come to conclude that the “third-party doctrine is not only wrong, but horribly wrong.”¹ (*Carpenter, supra*, 585 U.S. at 388.)

This bill relates only to the Missing Person DNA Database, as opposed to the Criminal Offender DNA database and allows the Missing Persons DNA Program to be used for both deceased and living people for purposes of identification. According to the Federal Bureau of Investigation:

- 4) **Argument in Support:** According to the *California District Attorneys Association*, “AB 2018 expands currently existing law related to utilizing a DNA database to identify currently unidentified human remains and locate high-risk missing persons. AB 2018 will allow the Department of Justice to utilize third parties and third-party testing methods to increase the likelihood of an identification based on DNA analysis. Additionally, this bill would allow DOJ to retain DNA from living contributors if there is a reasonable expectation that additional remains requiring identification may be found in the future.

“It is well known that DOJ is understaffed for the immense volume of work they are tasked with. In addition to DNA testing, DOJ conducts all manner of other forensic testing procedures for the majority of counties throughout the state, including fingerprint analysis, biological substance analysis, ballistics matching, and blood and physical substance analysis for the presence of alcohol and controlled substances. This work is generally for currently

¹ *United States v. Miller* (1976) 425 U.S. 435; (no search of third-party bank records) and *Smith v. Maryland*, (1979) 442 U.S. 735 (no search of third-party phone numbers.)

active cases, which can on occasion involve time-waiver issues, so cold case, missing persons, and unidentified human remains cases are understandably often put towards the bottom of task lists for analysts.

“Allowing DOJ to share DNA information with third parties for testing purposes will relieve some of the workload from DOJ and allow for a speedier resolution to cases that have historically been ignored. As recent high-profile cases in California and elsewhere have shown, there is a vast array of untapped, highly competent third-party DNA testing laboratories willing and available to conduct this analysis. Any effort to more quickly and efficiently clear out the backlog of unidentified human remains, and high-risk missing persons cases would better serve the families of these individuals, and bring them closure.”

- 5) **Argument in Opposition:** According to *La Defensa*, “While perhaps well-intended AB 2018 would allow for the collection of a missing person’s family members’ DNA with no privacy protections or guardrails. There are insufficient privacy protections and no guardrails to protect the family members’ DNA samples.

“In other words, AB 2018 provides no privacy protections and essentially permits the Department of Justice to do whatever they want with DNA from a family member of a missing person. It would allow law enforcement to obtain without a judicial warrant a DNA sample from a family member of a missing person and conduct any type of testing including genealogy or even medical testing under the guise of trying to identify an individual. Moreover, there is no requirement that the DNA samples be destroyed once analyzed. These unintended consequences are not speculative. In 2022, San Francisco Police Chief Scott stated, “that he had discovered 17 crime victim profiles, 11 of them from rape kits, that were matched as potential suspects using a crime victims database during unrelated investigations.”

6) **Related Legislation:**

- a) AB 1063 (Dixon) authorize the Department of Public Health (DPH) to release a physical blood test taken from a newborn to law enforcement in response to a search warrant only if the objective of the warrant is to obtain the DNA of a missing person suspected to be a victim of homicide, child abuse resulting in death, or manslaughter in order to compare the DNA to other samples in the Department of Justice Missing Persons DNA Database and to upload the sample for future identification of the person. AB 1063 was referred to, but never heard in the Assembly Health Committee.
- b) AB 2661 (Patterson) authorize the department to release a portion of the newborn blood specimen card taken from a newborn pursuant to a formal request from a coroner to identify unidentified human remains or to law enforcement in response to a search warrant if the objective of the warrant is to obtain the DNA of a missing person suspected to be a victim of homicide, kidnapping, child abuse resulting in death, or manslaughter. AB 2661 is pending hearing in the Assembly Health Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Department of Justice
California District Attorneys Association
Riverside County District Attorney

Oppose

ACLU California Action
Initiate Justice
Justice2jobs Coalition
LA Defensa
Oakland Privacy
San Francisco Public Defender

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