

## ASSEMBLY THIRD READING

AB 2018 (Ramos)

As Amended April 7, 2026

Majority vote

**SUMMARY**

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

**Major Provisions**

- 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.

**COMMENTS****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."

**Arguments 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 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."

### **Arguments 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."

### **FISCAL COMMENTS**

According to the Assembly Appropriations Committee:

- 1) Ongoing workload costs to the Department of Justice (Missing Persons DNA Database Fund), unknown but likely in the low to mid six figures annually, to process an expanded universe of cases now eligible for the Missing Persons DNA Program — including additional sample intake, DNA testing (autosomal STR, Y-STR, and mitochondrial DNA), CODIS uploads, and case management. Costs are funded by the existing \$2 fee on death certificates under Penal Code Section 14251, which supports laboratory infrastructure, sample storage, analysis, and related labor costs. The bill expressly authorizes DOJ to outsource processing of unidentified persons' samples to other laboratories. To the extent DOJ exercises this authority, outsourced processing could reduce in-house workload but would shift costs to contracts with third-party laboratories, with net fiscal impact dependent on per-sample pricing. The DOJ was unable to provide a cost estimate at this time.
- 2) Minor ongoing potential state liability associated with the \$5,000 civil damages (plus attorney's fees) remedy under existing law for failure to destroy retained samples or unauthorized disclosure. DOJ is liable for employee violations.

### **VOTES**

#### **ASM PUBLIC SAFETY: 9-0-0**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

#### **ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

**UPDATED**

VERSION: April 7, 2026

CONSULTANT: Kimberly Horiuchi / PUB. S. / (916) 319-3744

FN: 0002840