
CONSENT

Bill No: AB 2018
Author: Ramos (D), et al.
Amended: 4/7/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/16/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 78-0, 5/26/26 - See last page for vote

SUBJECT: Missing persons: DNA testing

SOURCE: Author

DIGEST: This bill 1) requires the DNA database be used for all cases involving the report of an unidentified person, whether living or deceased; 2) deletes provisions relating to the reporting of high-risk missing persons; 3) authorizes the retention of DNA extracted from a living person under these provisions if the identified human remains are incomplete and there is a reasonable expectation that additional remains requiring identification may be found in the future; and 4) makes conforming changes.

ANALYSIS:

Existing law:

- 1) The DNA and Forensic Identification Data Base and Data Bank Act of 1998, as amended by Proposition 69 in 2004, created a DNA database known as the Criminal Offender DNA Database, which applies to sex offenses and other crimes as well as to the identification of missing and unidentified persons.
- 2) Requires that for this database, the results of DNA typing must be compatible with and uploaded into the Federal Bureau of Investigation's Combined DNA

Index System (CODIS) DNA database and allows the Department of Justice DNA Laboratory to contract with other public or private laboratories that have capability to analyze DNA specimens. (Penal (Pen.) Code, § 295; Pen. Code, § 298.3; Pen. Code, § 299.6.)

- 3) 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, called the Missing Persons DNA Program. (Pen. Code, § 14250, subd. (a)(1); Pen. Code, § 14251.)
- 4) States that 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. (Pen. Code, § 14250, subd. (a)(2).)
- 5) 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 are selected by the DOJ and may change as the technology for DNA typing progresses. (Pen. Code, § 14250, subd. (a)(2).)
- 6) Mandates the DNA data from the Missing Persons DNA Program be uploaded into the Federal Bureau of Investigations' CODIS DNA database, but remain separate from the Crime Offender DNA Database, as established in Penal Code Section 295. (Pen. Code, § 14250, subd. (a)(2).)
- 7) 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).)
- 8) 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).)
- 9) Requires the DOJ to develop standards and guidelines for the preservation and storage of DNA samples. Requires any agency that is required to collect samples from unidentified remains for DNA testing to follow these standards and guidelines. Existing law requires these guidelines to address all scientific

methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints. (Pen. Code, § 14250, subd. (b).)

- 10) Requires 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).)
- 11) Requires that after a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency 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. These samples must be taken by the appropriate law enforcement agency in a manner prescribed by the DOJ, and the responsible investigating law enforcement agency to 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).)

This bill requires the DNA database for the Missing Persons DNA Program be used for all cases involving the report of an unidentified person, whether living or deceased, and deletes provisions relating to the reporting of “high-risk” missing persons. This bill authorizes the retention of DNA extracted from a living person under these provisions if the identified human remains are incomplete and there is a reasonable expectation that additional remains requiring identification may be found in the future.

Background

Federal Missing Persons DNA Program. 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 authorized the establishment of this National DNA Index. (42 U.S.C. § 14132.) 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.

California's Missing Persons DNA Program. The Missing Persons DNA Program compares DNA from unidentified persons and unidentified human remains with DNA from personal articles belonging to missing persons, or from the parents or appropriate relatives of high-risk missing persons. (Pen. Code, § 14250, subd. (a)(3).) Existing law 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).)

This bill requires the DNA database for the Missing Persons DNA Program be used for all cases involving the report of an unidentified person, whether living or deceased, and deletes provisions relating to the reporting of "high-risk" missing persons.

According to the California Department of Justice, Bureau of Forensic Services:

The Missing Persons DNA Program stores DNA profiles in two different databases. One database contains DNA profiles from unidentified persons and human remains. The other database is considered a family reference database and it contains the DNA profiles of relatives of missing persons and DNA profiles from personal items that belonged to a missing person (like a toothbrush). As a family member of a missing person, your DNA profile will be stored in the family reference database.

[. . .]

Family reference samples are NEVER searched against databases that contain DNA profiles of evidence from criminal investigations or DNA profiles of persons arrested or convicted of crimes. They are ONLY

searched against the unidentified person and remains database to help identify missing persons.

(State of California, Department of Justice, Office of the Attorney General. *Missing Persons DNA Program FAQ* <https://oag.ca.gov/system/files/media/onaa-mpdp-dna-faq-flyer.pdf>.) 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. This bill authorizes the retention of DNA extracted from a living person under these provisions if the identified human remains are incomplete and there is a reasonable expectation that additional remains requiring identification may be found in the future. This bill could, therefore, increase the likelihood of positive identification by expanding the information held in this DNA Database. This bill would increase the amount of genetic information that could be shared with the federal government.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 6/29/26)

California Department of Justice
California District Attorneys Association
Los Angeles County District Attorney's Office
Yurok Tribe

OPPOSITION: (Verified 6/29/26)

None received

ASSEMBLY FLOOR: 78-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz,

Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward,
Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Muratsuchi, Celeste Rodriguez

Prepared by: Natalia DaSilva Telles / PUB. S. / 916-651-4118
7/1/26 16:55:08

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