

§ 15A-266.4. DNA sample required for DNA analysis upon conviction or finding of not guilty by reason of insanity.

(a) Unless a DNA sample has previously been obtained by lawful process and a record stored in the State DNA Database, and that record and sample have not been expunged pursuant to any provision of law:

- (1) A person who is convicted of any of the crimes listed in subsection (b) of this section or who is found not guilty of any of these crimes by reason of insanity and committed to a mental health facility in accordance with G.S. 15A-1321, shall provide a DNA sample upon intake to jail, prison, or the mental health facility. In addition, every person convicted of any of these crimes, but who is not sentenced to a term of confinement, shall provide a DNA sample as a condition of the sentence.
- (2) A person who has been convicted and incarcerated as a result of a conviction of one or more of the crimes listed in subsection (b) of this section, or who was found not guilty of any of these crimes by reason of insanity and committed to a mental health facility in accordance with G.S. 15A-1321, shall provide a DNA sample before parole or release from the penal system or before release from the mental health facility.

(b) Crimes covered by this Article include all of the following:

- (1) All felonies.
- (2) G.S. 14-32.1 – Assaults on individuals with a disability.
- (2a) G.S. 14-33(c)(2) – Assault on a female by a male person at least 18 years of age.
- (2b) G.S. 14-33(c)(3) – Assault on a child under the age of 12 years.
- (3) Former G.S. 14-277.3 – Stalking.
- (4) Repealed by Session Laws 2010-94, s. 5, effective February 1, 2011.
- (5) All offenses described in G.S. 15A-266.3A.
- (6) All offenses described in G.S. 50B-4.1. (1993, c. 401, s. 1; 2001-487, s. 46; 2003-376, s. 2; 2005-130, s. 2; 2009-58, s. 2; 2010-94, s. 5; 2018-47, s. 4(o); 2022-50, s. 1(a).)