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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** AB 2018      **Hearing Date:** June 16, 2026  
**Author:** Ramos  
**Version:** April 7, 2026  
**Urgency:** No      **Fiscal:** Yes  
**Consultant:** NDT

**Subject:** *Missing persons: DNA testing*

### HISTORY

**Source:** California Department of Justice

**Prior Legislation:** AB 3099 (Ramos), Ch. 170, Stats. of 2020  
AB 275 (Solorio), Ch. 228, Stats. of 2009  
AB 1975 (Solorio), vetoed, 2008  
AB 940 (Chu), Ch. 471, Stats. of 2005  
SB 297 (Speier), Ch. 467, Stats. of 2001  
SB 1818 (Speier), Ch. 822, Stats. of 2000

**Support:** California District Attorneys Association; Yurok Tribe

**Opposition:** None known

**Assembly Floor Vote:** 78 - 0

### PURPOSE

*The purpose of this bill is to increase instances of positive identification of missing persons, whether living or deceased, through the DNA database maintained under the Missing Person DNA Program by deleting the requirement that the DNA database be used for “high-risk” missing persons only and authorizing the retention of DNA extracted from a living person, as specified, if identified human remains are incomplete and there is a reasonable expectation that additional remains requiring identification may be found in the future.*

*Existing law*, 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.

*Existing law* 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. (Pen. Code, § 295; Pen. Code, § 298.3; Pen. Code, § 299.6.)

*Existing law* 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.)

*Existing law* 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).)

*Existing law* 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).)

*Existing law* 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).)

*Existing law* 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).)

*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).)

*Existing law* 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).)

*Existing law* 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).)

*Existing law* 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.

## COMMENTS

### 1. Need for this Bill:

According to the author:

AB 2018 does three key things: it explicitly adds unidentified living persons to the program, removes the unduly restrictive “high-risk” label previously required to trigger DNA collection, and allows retention of family reference samples for partial remains. By updating the state’s approach to missing persons DNA analysis and identification, the bill would strengthen the California Department of Justice’s ability to resolve missing persons cases and provide answers to families.

This modernization is particularly urgent given the disproportionate number of missing persons from communities of color in California, particularly Indigenous people impacted by the Missing and Murdered Indigenous Peoples (MMIP) crisis.

### 2. Missing Persons DNA Programs

#### *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<sup>1</sup> 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.

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<sup>1</sup> 42 U.S.C. § 14132

*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 and DNA from relatives of missing persons.

According to the California Department of Justice, Bureau of Forensic Services<sup>2</sup>:

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.

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. Constitutional Right to Privacy

In 2013, the U.S. Supreme Court upheld mandatory DNA collection from arrestees as part of the booking process, likening cheek swabs to fingerprinting, in *Maryland v. King*.<sup>3</sup> The *King* court reviewed the CODIS system, finding it constitutional. Since 2013, DNA technology has continued to evolve, increasing the potential amount of information shared with the FBI.<sup>4</sup>

In 2018, the U.S. Supreme Court determined, in *Carpenter v. United States*, that the police need a warrant to obtain a person's cell site location information from private cell phone companies.<sup>5</sup> While not about DNA, the *Carpenter* 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

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<sup>2</sup> 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>

<sup>3</sup> *Maryland v. King* (2013) 569 U.S. 435.

<sup>4</sup> The Petrie-Flom Center at Harvard Law School (Feb. 2026). *Rethinking Maryland v. King Amid the Changing Landscape of Technology and Privacy* <https://petrieflom.law.harvard.edu/2026/02/24/rethinking-maryland-v-king-amid-the-changing-landscape-of-technology-and-privacy/>

<sup>5</sup> *Carpenter v. United States* (2018) 585 U.S. 296.

“obstacles in the way of a too permeating police surveillance.”<sup>6</sup> 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 Forensic Genetic Genealogy:

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.”<sup>7</sup>

#### 4. Effect of This Bill

This bill relates only to the Missing Person DNA Database and allows the database to be used for identification of unidentified persons, both living and deceased, as opposed to only unidentified deceased person or high-risk missing persons. This bill therefore expands the number of missing individuals whose data could be added to the database. This bill also allows DNA retention for identified human remains that remain incomplete when there is a reasonable expectation that additional remains 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.

#### 5. 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-active cases, which can on occasion involve time-waiver issues, so cold case, missing persons, and

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<sup>6</sup> *Id.*, 585 U.S. at 305.

<sup>7</sup> *Carpenter*, *supra*, 585 U.S. at 388, referencing *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).

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.

**-- END --**