


<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Larry J. Wallace, Director</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Collection of DNA Database Samples from Adult Felony Arrestees Pursuant to CA Penal Code Section 296 PEOPLE V. BUZA: DEPUBLISHED</p>	<p><i>No.</i> DLE-2015-02</p>	<p><i>Contact for information:</i> CAL-DNA Data Bank Outreach Program (510) 620-3300</p>
	<p><i>Date:</i> February 19, 2015</p>	

TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES

DNA DATABASE SAMPLE COLLECTION FROM ADULT FELONY ARRESTEES AT BOOKING

On February 18, 2015, the California Supreme Court granted the Attorney General's petition for review in *People v. Buza* (Cal. Supreme Court No. S223698). On December 3, 2014, the Court of Appeal for the First Appellate District had issued a published opinion declaring that collection of DNA samples from felony arrestees pursuant to Penal Code section 296 violated the California Constitution. By operation of state law, the Supreme Court's order granting review removes the Court of Appeal's opinion as published authority and prevents citation or reliance on that decision in any other action. As a result of the California Supreme Court's grant of review of this decision, there is now no state precedent that precludes collection of DNA database samples from adult felony arrestees pursuant to Penal Code section 296.

Penal Code sections 296(a)(2) and 296.1(a) therefore are in full effect and mandate the collection of DNA database samples from all adults arrested for a felony or wobbler offense. All authorized arrestee samples that have been or will be received by the California Department of Justice DNA Data Bank program will be analyzed and uploaded to CODIS.

Sincerely,



LARRY J. WALLACE, Director
Division of Law Enforcement

For KAMALA D. HARRIS
Attorney General