

## List of Evidence Retention Laws

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<b>State</b>	<b>Statute/Case Law</b>	<b>Effective Year; Amendments</b>	<b>Crime Categories</b>
<b>ALABAMA</b>	Ala. Code 1975 § 15-18-200	2009	capital offense
<b>ALASKA</b>	A.S. § 12.36.200	2010	murder, manslaughter, criminally negligent homicide, first degree sexual assault, first degree sexual abuse of a minor
<b>ARIZONA</b>	A.R.S. § 13-4221	2009	homicide or felony sexual offense
<b>ARKANSAS</b>	A.C.A. § 12-12-104	2001; 2011	sex offense, violent offense, felony for which the state may take the defendant's DNA for the state's database
<b>CALIFORNIA</b>	Penal Code § 1417.9	2000; 2001, 2002	all criminal cases
<b>COLORADO</b>	C.R.S.A. § 18-1-1101, et seq.	2009	any felony or sex offense
<b>CONNECTICUT</b>	C.G.S.A. § 54-102jj	2003	capital felony and any crime where a person was convicted at trial, or upon order of the court for good cause shown
<b>DELAWARE</b>	None	n/a	n/a
<b>DISTRICT OF COLUMBIA</b>	DC ST § 22-4134	2002	crime of violence
<b>FLORIDA</b>	F.S.A. § 925.11	2001; 2004; 2006	Felony
<b>GEORGIA</b>	Ga. Code Ann. § 17-5-56	2003; 2008; 2011	criminal case
<b>HAWAII</b>	HRS § 844D-126	2005	case in which there has been a judgment of conviction
<b>IDAHO</b>	None	n/a	n/a
<b>ILLINOIS</b>	725 ILCS 5/116-4	2001; 2010	homicide, sexual offenses (aggravated criminal sexual assault, criminal sexual assault, predatory sexual assault on a child, aggravated criminal sexual abuse, criminal sexual abuse), attempts, any felony for which genetic profile may be added to database
<b>INDIANA</b>	Ind. Code. Ann. 35-38-7-14	2001	murder and class A, B, and C felonies
<b>IOWA</b>	I.C.A. § 81.10	2005	criminal actions
<b>KANSAS</b>	K.S.A. § 21-2512	2001	murder and rape

<b>KENTUCKY</b>	Ky. Rev. Stat. Ann. § 524.140	2002; 2007	capital crimes, all class A, B, C felonies, certain D felonies (sexual offenses) cf. "the appropriate governmental entity shall retain any biological material secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case."
<b>LOUISIANA</b>	La. Code Crim. Proc. Ann. art. 926.1; HB 116 (2011)	2001; 2003; 2006; 2008; 2011	felonies; convictions after trial or Alford plea for homicide, rape, armed robbery are subject to moratorium on destruction (in HB 116)
<b>MAINE</b>	15 M.R.S.A. § 2138	2001, 2005, 2006	any crime carrying the potential punishment of at least one year imprisonment (felonies)
<b>MARYLAND</b>	MD Code of Crim. Proc. § 8-201	2001; 2002; 2003; 2004; 2008; 2014	murder (1st and 2nd degree); manslaughter; rape (1st and 2nd degree); sexual offense (1st and 2nd degree)
<b>MASSACHUSETTS</b>	2012 Mass. Legis. Serv. Ch. 38 (S.B. 1987) (WEST)	2011	Criminal offense
<b>MICHIGAN</b>	Mich. Comp. Laws Ann. § 770.16	2001; 2005; 2009	felony
<b>MINNESOTA</b>	M.S.A. § 590.10	2005	criminal case
<b>MISSISSIPPI</b>	Miss. Code Ann. § 99-49-1	2009	Crime
<b>MISSOURI</b>	V.A.M.S. 650.056	2001; 2006	felony for which defendant's DNA may be collected for entry into the state database (effect is all felonies)
<b>MONTANA</b>	Mont. Code Ann. §46-21-111	2003; 2009	Felony
<b>NEBRASKA</b>	Neb. Rev. St. § 29-4125	2001; 2003; 2007	criminal case
<b>NEVADA</b>	Nev. Rev. Stat. § 176.0012	2009	category A or B felony
<b>NEW HAMPSHIRE</b>	N.H. Rev. Stat. § 651-D:3	2004	a criminal or delinquency investigation or prosecution
<b>NEW JERSEY</b>	None	n/a	n/a
<b>NEW MEXICO</b>	N.M. Stat. Ann. §31-1A-2	2003; 2005	Felony
<b>NEW YORK</b>	None	n/a	n/a

<b>NORTH CAROLINA</b>	N.C.G.S.A. § 15A-268	2001; 2008; 2009	class A – E felonies (death sentences, violent offenses, offense requiring sex offender registration, all other felonies) – “Notwithstanding any other provision of law and subject to subsection (b) of this section, a custodial agency shall preserve any physical evidence that is reasonably likely to contain any biological evidence collected in the course of a criminal investigation or prosecution.”
<b>NORTH DAKOTA</b>	None	n/a	n/a
<b>OHIO</b>	Ohio Rev. Code Annot. § 2933.82	2010	aggravated murder, murder, voluntary manslaughter, first or second degree involuntary manslaughter, first or second degree vehicular manslaughter, rape, attempted rape, sexual battery, gross sexual imposition of a person under 13
<b>OKLAHOMA</b>	22 Okl. St. Ann. § 1372	2001	violent felony offense
<b>OREGON</b>	OR SB 731	2011	aggravated murder, murder, rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree, aggravated vehicular homicide, manslaughter in the first degree or manslaughter in the second degree
<b>PENNSYLVANIA</b>	Pa. Stat. Ann. 42 §	2002	criminal offense
<b>RHODE ISLAND</b>	RI ST § 10-9.1-11	2002	any crime

<b>SOUTH CAROLINA</b>	SC Code 1976 § 17-28-310, et seq.	2009	murder; killing by poison; killing by stabbing or thrusting; voluntary manslaughter; homicide by child abuse; aiding and abetting a homicide by child abuse; lynching; killing in a dual; spousal sexual battery; criminal sexual conduct in the first second or third degree; criminal sexual conduct with a minor; arson in the first degree; burglary or armed robbery in first degree carrying a sentence of more than 10 years; abuse or neglect of a vulnerable adult resulting in death; sexual misconduct with an inmate, patient or offender; unlawful removing or damage of an airport facility resulting in death; interference with traffic control devices or railroad signs or signals resulting in death; driving a motor vehicle under the influence of drugs or alcohol resulting in death; obstruction of a railroad resulting in death; or accessory before the fact in any of the enumerated offenses.
<b>SOUTH DAKOTA</b>	SDCL § 23-5B-5	2009	Felony
<b>TENNESSEE</b>	Tenn. Code Ann. § 40-30-309	2001	first degree murder, second degree murder, aggravated rape, rape, aggravated sexual battery or rape of a child, attempt
<b>TEXAS</b>	Texas C.C.P. Art. 38.43	2001; 2009; 2011	Felony
<b>UTAH</b>	U.C.A. 1953 § 78B-9-301	2008; 2011	Felony
<b>VERMONT</b>	None	n/a	n/a
<b>VIRGINIA</b>	Va. Code Ann. § 19.2-270.4:1	2001; 2002; 2005	Felony
<b>WASHINGTON</b>	West's RCWA 10.73.170	2000; 2001; 2003; 2005	Felony
<b>WEST VIRGINIA</b>	None	n/a	n/a
<b>WISCONSIN</b>	W.S.A. §§ 165.81, 757.54, 968.205, 978.08	2001; 2005	crime
<b>WYOMING</b>	W.S.1977 § 7-12-304	2008	Crime