

HB265 INTRODUCED



1 HB265
2 HG2BR36-1
3 By Representative Robbins
4 RFD: Judiciary
5 First Read: 15-Jan-26



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4 SYNOPSIS:

5 This bill would prohibit certain intentional
6 collection, use, retention, or disclosure of a person's
7 DNA sample or genetic information without that person's
8 express consent.

9 This bill would create the crimes of unlawful
10 use of DNA in the first, second, and third degrees and
11 provide criminal penalties for violations.

12 This bill would also provide exceptions for
13 certain collection, use, retention, or disclosure for
14 law enforcement purposes; to comply with a subpoena,
15 court order, or federal law; as it relates to the
16 Alabama Department of Forensic Sciences' DNA Databank;
17 and by genetic testing companies in compliance with
18 state law.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

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Relating to genetic material; to create the crimes of
unlawful use of DNA in the first, second, and third degree; to
provide criminal penalties for violations; and to provide
exceptions.

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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. (a) For the purposes of this act, the
31 following terms have the following meanings:

32 (1) DNA. Deoxyribonucleic acid.

33 (2) DNA SAMPLE. Any human biological specimen from
34 which DNA can be extracted or the DNA extracted from a
35 specimen.

36 (3) EXPRESS CONSENT. Authorization by the person whose
37 DNA is to be extracted or analyzed or that person's legal
38 guardian or authorized representative.

39 (4) GENETIC DATA. The same meaning as provided in
40 Section 8-43-2, Code of Alabama 1975.

41 (5) GENETIC TESTING. The same meaning as in Section
42 8-43-2, Code of Alabama 1975.

43 (b) (1) For the purposes of this act, a person may not
44 provide express consent unless he or she has received a clear
45 and prominent disclosure regarding the manner of collection,
46 use, retention, or disclosure of a DNA sample or genetic data
47 for a specific purpose. A person may provide express consent
48 by any affirmative action demonstrating an intentional
49 decision.

50 (2) A single provision of express consent may authorize
51 every instance of a specified purpose or use.

52 Section 2. (a) Except as provided in Section 6, a
53 person commits the crime of unlawful use of DNA in the first
54 degree if he or she intentionally and without express consent
55 sells or otherwise transfers another individual's DNA sample
56 or genetic data to a third party, regardless of whether the

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57 original DNA sample was originally collected, retained, or
58 analyzed with express consent.

59 (b) Unlawful use of DNA in the first degree is a Class
60 C felony.

61 Section 3. (a) Except as provided in Section 6, a
62 person commits the crime of unlawful use of DNA in the second
63 degree if he or she intentionally and without express consent:

64 (1) Submits another individual's DNA sample for genetic
65 testing;

66 (2) Conducts or procures the conducting of genetic
67 testing of another individual's DNA; or

68 (3) Except as provided in subsection (b), discloses
69 another individual's genetic data to a third party.

70 (b) A person who discloses another person's genetic
71 data that was previously voluntarily disclosed by the person
72 whose DNA was tested, the person's legal guardian, or the
73 person's authorized representative does not violate this
74 section.

75 (c) Unlawful use of DNA in the second degree is a Class
76 D felony.

77 Section 4. (a) Except as provided in Section 6, a
78 person commits the crime of unlawful use of DNA in the third
79 degree if he or she intentionally and without express consent:

80 (1) Collects or retains another individual's DNA sample
81 with the intent to perform a DNA analysis; or

82 (2) Collects or retains another individual's DNA sample
83 or genetic information by accessing a computer system either
84 without authorization to access the computer system or

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85 exceeding his or her authorized access to the computer system.

86 (b) Unlawful use of DNA in the third degree is a Class
87 A misdemeanor.

88 Section 5. Each instance of collection or retention,
89 submission or analysis, or disclosure in violation of this act
90 constitutes a separate violation.

91 Section 6. This act does not apply to a DNA sample or
92 genetic information used:

93 (1) By law enforcement for any law enforcement purpose;

94 (2) To comply with a subpoena, summons, other lawful
95 court order, or federal law;

96 (3) Pursuant to Article 2, Chapter 18 of Title 36, Code
97 of Alabama 1975; or

98 (4) By a genetic testing company that complies with
99 Chapter 43 of Title 8, Code of Alabama 1975.

100 Section 7. This act shall become effective on October
101 1, 2026.