

Virginia Administrative Code
Title 6. Criminal Justice And Corrections
Agency 40. Department of Forensic Science
Chapter 60. DNA Data Bank Regulations

6VAC40-60-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"CODIS" means the Combined DNA Index System.

"Department" means the Virginia Department of Forensic Science.

"DNA" means deoxyribonucleic acid.

"DNA data bank" means the Virginia State DNA Index System (SDIS) maintained by the department, which is a database of DNA profiles associated with the corresponding personally identifying information.

"DNA profile" means the results of DNA analysis of a sample of human biological evidence.

"Law-enforcement agency" means any federal, state, or local government law-enforcement organization.

Statutory Authority

§§9.1-1110 and 19.2-310.5 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 28, Issue 21, eff. July 16, 2012; amended, Virginia Register Volume 40, Issue 16, eff. May 9, 2024.

6VAC40-60-20. Request for information from a law-enforcement officer regarding whether an individual's DNA profile is in the DNA data bank.

A. A request for information regarding whether an individual's DNA profile is in the DNA data bank shall be submitted to the department's DNA data bank administrator by the requesting law-enforcement officer. Such requests shall be submitted via the online form available on the department's website. The requesting law-enforcement officer shall confirm that the information is being obtained in furtherance of an official investigation of a specified criminal offense that occurred within the jurisdiction of the requesting law-enforcement agency.

B. The identity of the requestor shall be verified by department personnel by inspection of the requestor's identifying information. Department personnel shall maintain a record of the request and the verification of the requestor's identity pursuant to the department's record retention guidelines.

Statutory Authority

§§9.1-1110 and 19.2-310.5 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 28, Issue 21, eff. July 16, 2012; amended, Virginia Register Volume 40, Issue 16, eff. May 9, 2024.

6VAC40-60-30. Request for DNA analysis information.

A request from an accused or an accused individual's attorney shall be governed by the provisions of § 9.1-1104 of the Code of Virginia.

Statutory Authority

§§9.1-1110 and 19.2-310.5 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 28, Issue 21, eff. July 16, 2012; amended, Virginia Register Volume 40, Issue 16, eff. May 9, 2024.

6VAC40-60-40. Requests for DNA data bank information relating to out-of-state forensic laboratory examination.

Requests for DNA data bank information relating to out-of-state forensic laboratory examinations shall be submitted in writing to the Virginia CODIS administrator by the out-of-state CODIS administrator or their designee.

Statutory Authority

§§ 9.1-1110 and 19.2-310.5 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 28, Issue 21, eff. July 16, 2012.

6VAC40-60-50. Provision of DNA data bank information to the Virginia Department of Corrections, the Department of State Police, and the Department of Juvenile . . .

Any information from the DNA data bank provided to a duly authorized representative of the Department of Corrections or the Department of State Police pursuant to § 19.2-310.2 of the Code of Virginia or to the Department of Juvenile Justice pursuant to § 16.1-299.1 of the Code of Virginia shall be by a secure electronic exchange of data.

Statutory Authority

§§ 9.1-1110 and 19.2-310.5 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 28, Issue 21, eff. July 16, 2012; amended, Virginia Register Volume 31, Issue 26, eff. September 23, 2015.

6VAC40-60-60. Department employee access to the DNA data bank.

The department shall maintain a list of employee positions that require regular access to the DNA data bank and samples submitted as a necessary function of the job. This list shall be available upon request.

Statutory Authority

§§9.1-1110 and 19.2-310.5 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 28, Issue 21, eff. July 16, 2012; amended, Virginia Register Volume 40, Issue 16, eff. May 9, 2024.

FORMS (6VAC40-60).

DNA Data Bank, DNA Request Form for Law-Enforcement Agency, DFS (filed 3/2024)

Statutory Authority

Historical Notes