

LAW OF GEORGIA ON THE DNA DATABASE

Article 1 – Scope and purpose of the Law

1. This Law defines the grounds and conditions for the creation and functioning of a DNA database.
2. The purpose of this Law is to facilitate crime prevention, crime solving and investigation, as well as the identification of missing persons by storing genetic profiles in a DNA database.

Article 2 – Definition of terms

The terms used in this Law shall have the following meanings:

- a) biological sample – a part of a human (natural person) or cadaveric tissue or organ and/or excreta/fluid of an organism, the cells of which contain deoxyribonucleic acid (DNA);
- b) profiling of a biological sample – the determination of a genetic profile from biological samples with expert technology;
- c) genetic profile – unique, permanent data obtained as a result of genetic analysis of DNA which is computer-processed and enables the identification of a person;
- d) DNA database – a database established in the Bureau, which stores genetic profiles as determined in accordance with this Law;
- e) the Bureau – the Legal Entity under Public Law called Levan Samkharauli National Forensics Bureau;
- f) the Ministry – the Ministry of Internal Affairs of Georgia.

Article 3 – Persons subject to biological sample profiling

1. It shall be mandatory to profile the biological sample of an accused/convicted person and to register his/her genetic profile in the DNA database.
2. In addition to the genetic profile provided for in paragraph 1 of this article, a genetic profile determined from a biological sample collected from a person (natural person), a cadaver, other tangible object or a crime scene during the investigation of a criminal case shall be registered in the DNA database in accordance with the procedure established by the legislation of Georgia.
3. It shall be permitted to register the genetic profile of any person in the DNA database with his/her consent. The collection of the biological sample from that person and the determination of his/her genetic profile shall be ensured by the Ministry or the Bureau. The period of storage of a genetic profile of a person in the DNA database and the procedure for the erasure of his/her DNA from the database shall be determined by an ordinance of the Government of Georgia.

Article 4 – Collection of biological samples

1. The authority to collect a biological sample is vested in:
 - a) an authorised employee of the Bureau;
 - b) an authorised employee of the Ministry;
 - c) an authorised employee of a state subordinate agency operating within the system of the Ministry of Justice of Georgia called the Special Penitentiary Service (the Special Penitentiary Service).
2. An authorised employee as referred to in paragraph 1 of this article is an expert employed in the Bureau/Ministry, as well as a person retrained by the Bureau or the Legal Entity under Public Law called the Public Safety and Police Academy under the Ministry of Internal Affairs of Georgia, employed in the agency referred to in paragraph 1 of this article.
3. To determine a genetic profile and register it in the DNA database, the Special Penitentiary Service shall send a biological sample to the Ministry or the Bureau not later than the next working day after the sample has been collected.
4. To collect a biological sample from a convicted person, determine his/her genetic profile and register it in the DNA database, the legal entities under public law operating under the governance of the Ministry of Justice of Georgia called the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation and the National Bureau of Enforcement shall, within the scope of their competence, ensure the facilitation of presenting the convicted person to the Ministry or the Bureau in accordance with the procedure established by the Government of Georgia.
5. When investigating a criminal case, the investigative authority shall, within the scope of its competence, ensure that the accused is informed of his/her appearance before the Ministry or the Bureau to determine his/her genetic profile and register it in the DNA database in accordance with the procedure established by this Law.
6. An authorised employee as provided for in paragraph 1 of this article shall draw up a protocol regarding the collection of a biological sample from a person or the refusal thereof, which shall include the following:
 - a) data regarding the person subject to profiling of the biological sample (name, surname, date of birth, personal number);
 - b) the date of biological sample collection;



- c) the name, surname and position of the authorised employee responsible for collecting biological samples;
- d) a criminal case number (if any);
- e) the consent or refusal given by a person subject to profiling of a biological sample to the collection of the biological sample;
- f) other details necessary for drawing up the protocol.

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Article 5 – Repeated collection of biological samples

1. If the collected biological sample is not sufficient to determine the genetic profile and/or it is impossible to determine the genetic profile from the biological sample, the biological sample shall be collected again in accordance with the procedure established by this Law.
2. If the genetic profile of a person is registered in the DNA database, a biological sample shall not be collected again from him/her.

Article 6 – Basic rules for processing the DNA database

1. The Bureau and the authorised structural unit of the Ministry shall ensure the determination of the genetic profile and its registration in the DNA database.
2. Information on the genetic profile stored in the DNA database will be entered into the information base of the Ministry. To prevent the repeated collection of biological samples, this information base shall be available to authorised employees of investigative bodies, the Special Penitentiary Service and the Legal Entity under Public Law operating under the governance of the Ministry of Justice of Georgia called the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation.
3. A genetic profile shall be transferred to another country or international organisation in accordance with the requirements of the Law of Georgia on Personal Data Protection, on the basis of the international treaties of Georgia, an individual agreement or terms of reciprocity if there is a request from a competent authority for legal assistance.
4. For crime prevention, crime solving and investigation, as well as the identification of a missing person, it shall be permitted to request a genetic profile processed by a state agency of another country and register it in the DNA database.
5. The procedure for the collection and destruction of biological samples, profiling biological samples, processing and exchanging genetic profiles (including the calculation of the period for storage of a genetic profile in the DNA database) shall be approved, and other organisational and technical issues necessary for the implementation of this Law shall be determined, by an ordinance of the Government of Georgia.

Article 7 – Procedures for the destruction of biological samples and the storage and erasure of genetic profiles

1. A biological sample shall be destroyed as soon as the genetic profile is determined, except when a biological sample is collected as a result of an investigation or other procedural actions and is evidence in a criminal case. The decision on the storage/destruction of that evidence shall be made in accordance with the Criminal Procedure Code of Georgia.
2. The genetic profile of the following persons shall be stored for the following terms:
 - a) a convicted person:
 - a.a) in the case of a particularly serious crime – 75 years;
 - a.b) in the case of a serious crime – 50 years;
 - a.c) in the case of a less serious crime – 30 years;
 - a.d) in the case of repeat offending – 75 years;
 - b) a convicted minor:
 - b.a) in the case of a particularly serious crime – 30 years;
 - b.b) in the case of a serious or less serious crime – 10 years;
 - b.c) in the case of a repeat intentional crime – 75 years.
3. The genetic profile of an accused shall be registered in the DNA database and, in the case of his/her conviction, shall be stored for the period determined by paragraph 2 of this article.
4. When delivering a judgement of acquittal in respect of a person or in the case provided for by Article 105(1)(a)–(d) of the Criminal Procedure Code of Georgia, the genetic profile of the person shall be erased from the DNA database upon the entry into legal force of the final decision in the criminal case, and in the case of terminating an investigation and/or not initiating a criminal prosecution or terminating an initiated criminal prosecution on other grounds determined by the same article, the genetic profile shall be stored for a term corresponding to the category of crime provided for by paragraph 2 of this article.
5. In the case provided for by Article 3(2) of this Law, a genetic profile shall be stored in the DNA database for 10 years after the entry into legal force of the final decision in the criminal case. After the expiry of this term, the said genetic profile shall be erased from the DNA database at the request of the relevant person determined by the same paragraph.
6. In the event of the death of a person, his/her genetic profile shall be stored for 10 years after the death of the person, unless the term determined by this Law for the storage of the genetic profile has expired.



Article 8 – Transitional provisions

1. A genetic profile as determined by the Bureau before the entry into force of this Law shall be stored in the DNA database for 10 years after the entry into force of this Law. After the expiry of this term, the genetic profile shall be erased from the DNA database at the request of the relevant person.
2. By 1 June 2025, the Bureau shall ensure the implementation of the necessary organisational and technical measures to create a DNA database.
3. The Government of Georgia, upon the recommendation of the Ministry, shall ensure that by 1 June 2025, the procedure for the collection and destruction of biological samples, profiling biological samples, processing and exchanging genetic profiles (including the calculation of the period for storage of a genetic profile in the DNA database) is approved by an ordinance of the Government of Georgia, as well as the determination of other organisational and technical issues necessary for the implementation of this Law. The Ministry shall submit the above procedure to the Government of Georgia in agreement with the Bureau.
4. By 1 January 2027, the Special Penitentiary Service shall ensure the collection of biological samples from accused and convicted persons placed in penitentiary institutions by 1 June 2025 and their transfer to the Ministry or the Bureau to determine genetic profiles and register them in the DNA database.
5. This Law shall not apply to a convicted person in relation to whom the enforcement of a legal act subject to the execution of non-custodial sentences or probation as provided for by Article 2 of the Law of Georgia on Prevention of Crime, Procedure for Enforcing Non-custodial Sentences and Probation, as well as the imposition of a fine, was initiated before 1 June 2025.

Article 9 – Entry into force of this Law

1. This Law, except for Articles 1-7 of this Law, shall enter into force upon its promulgation.
2. Articles 1-7 of this Law shall enter into force from 1 June 2025.

President of Georgia

Mikheil Kavelashvili

Tbilisi,

4 March 2025

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