

AMENDMENTS TO LB 66

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 29-4106, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 29-4106 (1) A person who is convicted of a felony offense
6 or other specified offense on or after July 15, 2010, who does not
7 have a DNA sample available for use in the State DNA Sample Bank,
8 shall, at his or her own expense, have a DNA sample collected:

9 (a) Upon intake to a prison, jail, or other detention
10 facility or institution to which such person is sentenced. If
11 the person is already confined at the time of sentencing, the
12 person shall have a DNA sample collected immediately after the
13 sentencing. Such DNA ~~samples~~ sample shall be collected at the place
14 of incarceration or confinement. If the place of incarceration or
15 confinement is a county facility, the DNA sample shall be collected
16 by the county sheriff. Such person shall not be released unless and
17 until a DNA sample has been collected; or

18 (b) As a condition for any sentence which will not
19 involve an intake into a prison, jail, or other detention facility
20 or institution. Such DNA samples shall be collected as follows:

21 (i) In any county containing a city of the metropolitan
22 class, a person placed on probation or who received a penalty of
23 a fine or time served shall have such DNA sample collected by a

1 probation officer at a probation office. Such person shall not be
2 released unless and until a DNA sample has been collected; and

3 (ii) In all other counties, a person placed on probation
4 shall have such DNA sample collected by a probation officer at a
5 probation office, and a person not placed on probation who receives
6 a penalty of a fine or time served shall have such DNA sample
7 collected at a detention facility or institution as specified by
8 the court. by the county sheriff. Such person shall not be released
9 unless and until a DNA sample has been collected.

10 (2) A person who has been convicted of a felony offense
11 or other specified offense before July 15, 2010, who does not have
12 a DNA sample available for use in the State DNA Sample Bank, and
13 who is still serving a term of confinement or probation for such
14 felony offense or other specified offense on July 15, 2010, shall
15 not be released prior to the expiration of his or her maximum term
16 of confinement or revocation or discharge from his or her probation
17 unless and until a DNA sample has been collected.

18 (3) A person who is serving a term of probation and has a
19 DNA sample collected pursuant to this section shall pay all costs
20 associated with the collection of the DNA sample.

21 (4) If the court waives the cost of taking a DNA sample
22 for any reason, a county jail or other county detention facility or
23 institution collecting the DNA sample shall not be held financially
24 responsible for the cost of the DNA sample kit.

25 Sec. 2. Original section 29-4106, Revised Statutes
26 Cumulative Supplement, 2010, is repealed.