

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 66

Introduced by Cornett, 45.

Read first time January 06, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the DNA Identification Information Act; to
2 amend section 29-4106, Revised Statutes Cumulative
3 Supplement, 2010; to change provisions relating to DNA
4 collection; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

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

3 29-4106 (1) A person who is convicted of a felony offense
4 or other specified offense on or after July 15, 2010, who does not
5 have a DNA sample available for use in the State DNA Sample Bank,
6 shall, at his or her own expense, have a DNA sample collected:

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

14 (b) As a condition for any sentence which will not
15 involve an intake into a prison, jail, or other detention facility or
16 institution. ~~Such DNA samples shall be~~ A person placed on probation
17 shall have such DNA sample collected by a probation officer at a
18 probation office. A person not placed on probation and who only
19 receives a penalty of a fine shall have such DNA sample collected at
20 a detention facility or institution as specified by the court. Such
21 person shall not be released unless and until a DNA sample has been
22 collected.

23 (2) A person who has been convicted of a felony offense
24 or other specified offense before July 15, 2010, who does not have a
25 DNA sample available for use in the State DNA Sample Bank, and who is

1 still serving a term of confinement or probation for such felony
2 offense or other specified offense on July 15, 2010, shall not be
3 released prior to the expiration of his or her maximum term of
4 confinement or revocation or discharge from his or her probation
5 unless and until a DNA sample has been collected.

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

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

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