

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 128

Introduced by Avery, 28.

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 collected~~ A person shall have
17 such DNA sample collected by the county sheriff or a probation
18 officer at a detention facility or institution as specified by the
19 court. Such person shall not be released unless and until a DNA
20 sample has been collected.

21 (2) A person who has been convicted of a felony offense
22 or other specified offense before July 15, 2010, who does not have a
23 DNA sample available for use in the State DNA Sample Bank, and who is
24 still serving a term of confinement or probation for such felony
25 offense or other specified offense on July 15, 2010, shall not be

1 released prior to the expiration of his or her maximum term of
2 confinement or revocation or discharge from his or her probation
3 unless and until a DNA sample has been collected.

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

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8 Cumulative Supplement, 2010, is repealed.