

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 202**

Introduced by Coash, 27.

Read first time January 15, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska State Patrol; to amend sections  
2 29-4106.01 and 81-2004.02, Reissue Revised Statutes of  
3 Nebraska, and section 29-4107, Revised Statutes  
4 Cumulative Supplement, 2012; to change provisions  
5 relating to DNA collection; to create a fund; to provide  
6 duties for the Superintendent of Law Enforcement and  
7 Public Safety; to harmonize provisions; and to repeal the  
8 original sections.  
9 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 29-4106.01, Reissue Revised Statutes  
2 of Nebraska, is amended to read:

3                   29-4106.01 ~~A-(1) Until the effective date of this act, a~~  
4 person required to submit a DNA sample pursuant to section 29-4106  
5 shall be given the choice of having the sample collected by a blood  
6 draw or a buccal cell collection kit. Any person who collects a DNA  
7 sample pursuant to section 29-4106 shall honor the choice of  
8 collection method made by the person providing the DNA sample. If the  
9 person required to submit the DNA sample does not indicate a  
10 preference as to the method of collection, either method may be used  
11 to collect the sample.

12                   (2) On and after the effective date of this act, a person  
13 required to submit a DNA sample pursuant to section 29-4106 shall  
14 have his or her DNA sample collected using a buccal cell collection  
15 kit.

16                   Sec. 2. Section 29-4107, Revised Statutes Cumulative  
17 Supplement, 2012, is amended to read:

18                   29-4107 ~~(1)~~-(1)(a) This subsection applies until the  
19 effective date of this act. Only individuals ~~(a)~~-(i) who are  
20 physicians or registered nurses, ~~(b)~~-(ii) who are trained to withdraw  
21 human blood for scientific or medical purposes and are obtaining  
22 blood specimens while working under orders of or protocols and  
23 procedures approved by a physician, registered nurse, or other  
24 independent health care practitioner licensed to practice by the  
25 state if the scope of practice of that practitioner permits the

1 practitioner to obtain blood specimens, or (c) who are both employed  
2 by a licensed institution or facility and have been trained to  
3 withdraw human blood for scientific or medical purposes shall  
4 withdraw blood for a DNA blood sample under the DNA Identification  
5 Information Act. Withdrawal of blood shall be performed in a  
6 medically approved manner using a collection kit provided or accepted  
7 by the Nebraska State Patrol. The collection of buccal cell samples  
8 shall be performed by any person approved or designated by the  
9 Nebraska State Patrol and using a collection kit provided or accepted  
10 by the Nebraska State Patrol.

11 ~~(2)~~ (b) In addition to the DNA sample, one thumb print or  
12 fingerprint shall be taken from the person from whom the DNA sample  
13 is being collected for the exclusive purpose of verifying the  
14 identity of such person. The DNA sample and the thumb print or  
15 fingerprint shall be delivered to the Nebraska State Patrol within  
16 five working days after collecting the sample unless the DNA sample  
17 was collected from buccal cell samples, in which case the DNA sample  
18 shall be delivered within ten working days after collecting the  
19 sample.

20 ~~(3)~~ (c) A person authorized to collect DNA samples under  
21 the act is not criminally liable for collecting a DNA sample and  
22 transmitting DNA records pursuant to the act if he or she performs  
23 these activities in good faith and is not civilly liable for such  
24 activities if he or she performed such activities in a reasonable  
25 manner according to generally accepted medical standards for blood

1 samples or in accordance with the collection kit and procedures  
2 approved by the Nebraska State Patrol for tissue samples.

3 (2)(a) This subsection applies on and after the effective  
4 date of this act. The collection of buccal cell samples for a DNA  
5 sample under the DNA Identification Information Act shall be  
6 performed by any person approved or designated by the Nebraska State  
7 Patrol and using a collection kit provided or accepted by the  
8 Nebraska State Patrol.

9 (b) In addition to the DNA buccal cell sample, one thumb  
10 print or fingerprint shall be taken from the person from whom the DNA  
11 buccal cell sample is being collected for the exclusive purpose of  
12 verifying the identity of such person. The DNA buccal cell sample and  
13 the thumb print or fingerprint shall be delivered to the Nebraska  
14 State Patrol within ten working days after collecting the sample.

15 (c) A person authorized to collect DNA samples under the  
16 act is not criminally liable for collecting a DNA sample and  
17 transmitting DNA records pursuant to the act if he or she performs  
18 these activities in good faith and is not civilly liable for such  
19 activities if he or she performed such activities in a reasonable  
20 manner in accordance with the collection kit instructions and  
21 procedures approved by the Nebraska State Patrol for tissue samples.

22 Sec. 3. Section 81-2004.02, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 81-2004.02 (1)(a) There is hereby created the Nebraska  
25 State Patrol Cash Fund. Money from this fund shall be used to defray

1 expenses incident to the administration of the Nebraska State Patrol.  
2 All funds received by the Nebraska State Patrol for services rendered  
3 shall be remitted to the State Treasurer for credit to the Nebraska  
4 State Patrol Cash Fund, except as provided in subsection (2) of this  
5 section. Such fund shall be administered by the Superintendent of Law  
6 Enforcement and Public Safety.

7 (b) Allowable uses of the fund shall include, but not be  
8 limited to, defraying the cost of:

9 ~~(1)~~ ~~(i)~~ The vehicle identification inspection program  
10 established in sections 60-181 to 60-189;

11 ~~(2)~~ ~~(ii)~~ Investigations of odometer and motor vehicle  
12 fraud, motor vehicle licensing violations, and motor vehicle theft;  
13 and

14 ~~(3)~~ ~~(iii)~~ Other investigative expenses when money is  
15 specifically appropriated by the Legislature for such purposes.

16 (c) Any money in the fund available for investment shall  
17 be invested by the state investment officer pursuant to the Nebraska  
18 Capital Expansion Act and the Nebraska State Funds Investment Act.

19 (2)(a) The Nebraska State Patrol DNA Cash Fund is  
20 created. All funds received by the Nebraska State Patrol under the  
21 DNA Identification Information Act or any other DNA-related law shall  
22 be remitted to the State Treasurer for credit to the fund.

23 (b) The fund shall only be used in accordance with  
24 Nebraska law and also for costs incurred for the collection, testing,  
25 and storage of DNA samples collected pursuant to Nebraska law. The

1 fund shall be administered by the Superintendent of Law Enforcement  
2 and Public Safety.

3 (c) Any money in the fund available for investment shall  
4 be invested by the state investment officer pursuant to the Nebraska  
5 Capital Expansion Act and the Nebraska State Funds Investment Act.

6 Sec. 4. Original sections 29-4106.01 and 81-2004.02,  
7 Reissue Revised Statutes of Nebraska, and section 29-4107, Revised  
8 Statutes Cumulative Supplement, 2012, are repealed.