

AMENDMENTS TO LB 66

(Amendments to Standing Committee amendments, AM241)

Introduced by Cornett

1           1. Strike sections 1 and 2 and insert the following new  
2 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. Such person shall not be released  
15 unless and until a DNA sample has been collected; or

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

19           (i) In any county containing a city of the metropolitan  
20 class, a person placed on probation or who received a penalty of  
21 a fine or time served shall have such DNA sample collected by a  
22 probation officer at a probation office. Such person shall not be

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

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

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

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

24 Sec. 2. Section 29-4107, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 29-4107 (1) Only individuals (a) who are physicians or  
27 registered nurses, (b) who are trained to withdraw human blood for

1 scientific or medical purposes and are obtaining blood specimens  
2 while working under orders of or protocols and procedures approved  
3 by a physician, registered nurse, or other independent health care  
4 practitioner licensed to practice by the state if the scope of  
5 practice of that practitioner permits the practitioner to obtain  
6 blood specimens, or (c) who are both employed by a licensed  
7 institution or facility and have been trained to withdraw human  
8 blood for scientific or medical purposes shall withdraw blood for  
9 a DNA blood sample under the DNA Identification Information Act.  
10 Withdrawal of blood shall be performed in a medically approved  
11 manner using a collection kit provided or accepted by the Nebraska  
12 State Patrol. The collection of buccal cell samples shall be  
13 performed by any person approved or designated by the Nebraska  
14 State Patrol and using a collection kit provided or accepted by the  
15 Nebraska State Patrol.

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

25 (3) A person authorized to collect DNA samples under  
26 the act is not criminally liable for collecting a DNA sample and  
27 transmitting DNA records pursuant to the act if he or she performs

1 these activities in good faith and is not civilly liable for such  
2 activities if he or she performed such activities in a reasonable  
3 manner according to generally accepted medical standards for blood  
4 samples or in accordance with the collection kit and procedures  
5 approved by the Nebraska State Patrol for tissue samples.

6           Sec. 3. Original section 29-4107, Reissue Revised  
7 Statutes of Nebraska, and section 29-4106, Revised Statutes  
8 Cumulative Supplement, 2010, are repealed.