

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 106**

Introduced by Dorn, 30.

Read first time January 10, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the DNA Identification Information Act; to
- 2 amend section 29-4108, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to DNA records; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4108, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 29-4108 (1) All DNA samples and DNA records submitted to the State  
4 DNA Sample Bank or the State DNA Data Base are confidential except as  
5 otherwise provided in the DNA Identification Information Act. The  
6 Nebraska State Patrol shall make DNA records in the State DNA Data Base  
7 available:

8 (a) To law enforcement agencies and forensic DNA laboratories which  
9 serve such agencies and which participate in the Combined DNA Index  
10 System; and

11 (b) Upon written or electronic request and in furtherance of an  
12 official investigation of a criminal offense or offender or suspected  
13 offender.

14 (2) The Nebraska State Patrol shall adopt and promulgate rules and  
15 regulations governing the methods of obtaining information from the State  
16 DNA Data Base and the Combined DNA Index System and procedures for  
17 verification of the identity and authority of the requester.

18 (3) The Nebraska State Patrol may, for good cause shown, revoke or  
19 suspend the right of a forensic DNA laboratory in this state to have  
20 access to or submit records to the State DNA Data Base.

21 (4) For purposes of this subsection, person means a law enforcement  
22 agency, the Federal Bureau of Investigation, any forensic DNA laboratory,  
23 or person. No records or DNA samples shall be provided to any person  
24 unless such person enters into a written agreement with the Nebraska  
25 State Patrol to comply with the provisions of section 29-4109 relative to  
26 expungement, when notified by the Nebraska State Patrol that expungement  
27 has been granted. Every person shall comply with the provisions of  
28 section 29-4109 within ten calendar days of receipt of such notice and  
29 certify in writing to the Nebraska State Patrol that such compliance has  
30 been effectuated. The Nebraska State Patrol shall provide notice of such  
31 certification to the person who was granted expungement.

1           Sec. 2.   Original section 29-4108, Reissue Revised Statutes of  
2 Nebraska, is repealed.