

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB496

Hearing Date: Thursday March 04, 2021
Committee On: Judiciary
Introducer: Hilkemann
One Liner: Require collection of DNA samples for persons arrested for crimes of violence

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Brandt, DeBoer, Geist, Lathrop, Morfeld, Slama
Nay:
Absent:
Present Not Voting: 2 Senators McKinney, Pansing Brooks

Oral Testimony:

Proponents: Senator Robert Hilkemann Jayann Sepich Bruce Ferrell	Representing: Introducer Self Wahoo Police Department & Police Chiefs Association of Nebraska
Opponents: Spike Eickholt	Representing: Nebraska Criminal Defense Attorneys Association
Neutral:	Representing:

Submitted Written Testimony:

Proponents: Corey O'Brien	Representing: Nebraska Attorney General's Office
Opponents:	Representing:
Neutral:	Representing:

Summary of purpose and/or changes:

LB496 would amend the DNA Identification Information Act to require a DNA sample to be taken from a person arrested for certain listed "crimes of violence". Current law requires samples to be collected from a person convicted of a felony or other specified offenses.

Section 2 would amend Sec. 29-4103 to define "crime of violence" with a list of offenses including arson, assault, kidnapping, homicide, sexual assault, robbery, and burglary.

Section 4 would amend Sec. 29-4106 to require a criminal detention facility to take a DNA sample upon booking a person charged with one of the listed crimes.

Section 5 would amend Sec. 29-4106.01 to require the sample to be collected by cheek swab.

Section 6 would amend Sec. 29-4109 to provide grounds for expungement of DNA records when a person is not convicted of the offense.

Section 7 would provide an effective date of January 1, 2022.

Explanation of amendments:

The amendment replaces the original bill.

Section 2 would amend Sec. 29-4103 as in the original bill, but would separately define burglary instead of including the definition in "crime of violence".

Section 4 would amend Sec. 29-4106 to require a DNA sample to be collected when an adult is booked into a criminal detention facility and charged with one of the listed crimes. The amended version would not allow the sample to be tested or submitted to the database until after a judicial finding of probable cause.

Section 6 would amend Sec. 29-4109 to provide that a DNA record be expunged if the charge is dismissed.

Steve Lathrop, Chairperson