

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 341

Introduced by Rogert, 16.

PURPOSE: To review the costs, impact, and effectiveness associated with requiring that DNA samples be collected for arrestees for felony sex offenses and other specified offenses under murder in the first degree, murder in the second degree, manslaughter, stalking, burglary, and robbery.

In addition to this, to review the costs, impact, and effectiveness associated with requiring DNA samples to be collected for assault in the first degree, assault in the second degree, use of a deadly weapon to commit a felony, and any violation relating to explosives.

The intent in providing DNA arrestee testing is to provide comparison evidence in the State DNA Data Base in between the time that the person is arrested and convicted in order to provide a comparison sample for other crimes he or she may have already committed before the arrest and in between the arrest and a possible conviction.

The issues to be addressed by this study include:

(1) Identification of the constitutionality of DNA testing and collection prior to conviction;

(2) Identification of costs associated with DNA testing and collection prior to conviction;

(3) Identification of laws prohibiting penalties on the misuse of DNA samples in the data base;

(4) Research of the laws and the subsequent impact in solving crime regarding DNA testing and collection in other states;

(5) Identification of the collection and expungement processes and procedures currently implemented to acquire a DNA sample from those persons convicted of felony sex offenses and other specified offenses;

(6) Identification of storage and testing facility adequacies for DNA samples; and

(7) Exploration of options in requiring DNA testing and collection for certain enumerated crimes or for all those persons convicted or arrested.

Based on these studies, the Judiciary Committee of the Legislature shall recommend any changes necessary to LB 1076 (2008) to better conform to Nebraska's criminal statutes and to address any concerns that may exist in terms of privacy, the presumption of innocence, and the selection of enumerated crimes affecting those persons who would be arrested and hence subject to the collection of a DNA sample.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.