

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB190

Hearing Date: Thursday January 22, 2009
Committee On: Judiciary
Introducer: Avery
One Liner: Provide for collection of DNA samples from individuals convicted of a felony

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

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert

Nay:

Absent:

Present Not Voting:

Proponents:

Sen. Bill Avery
Corey O'Brien

Representing:

Introducer
NE Attorney General's Office

Opponents:

Laurel Marsh

Representing:

ACLU Nebraska

Neutral:

Representing:

Summary of purpose and/or changes:

LB 190 would amend 29-4103(6), which contain the DNA Identification Information Act, by striking the requirement that persons convicted of felony sex offenses, kidnapping, incest, sexual assault, sexual assault of a child in either the 1st, 2nd, or 3rd degree, sexual assault of a vulnerable adult, false imprisonment of a minor in the first degree, and other specified offenses, submit their DNA for inclusion into the State DNA Database.

LB 190 would provide as a replacement for striking the "limited felony offenses" that DNA could be collected for inclusion into the DNA Database, that all persons convicted of "any felony", must have their DNA submitted for inclusion in the State DNA database.

LB 190 would also add the office of the Attorney General to the definition of "Law Enforcement" under this act.

Explanation of amendments:

AM 85 would amend LB 190 in the following ways:

- Would retain the requirement that violations for the misdemeanor offenses of stalking pursuant to 28-311.02 to 28-311.05 and false imprisonment in the second degree pursuant to section 28-315 require the convicted individual to submit DNA to the State DNA Data Base.

- Would retain the requirement that an attempt, conspiracy, or solicitation to commit the offenses of "stalking" pursuant

to sections 28-311.02 to 28-311.05, "false imprisonment" in the 1st and 2nd degree pursuant to sections 28-314 and 28-315, "knowing and intentional sexual abuse of a vulnerable adult" pursuant to 28-386 (1)(c) and for a violation of the "Sex Offender Registration Act" pursuant to section 29-4011 would require the individual convicted of the specified offenses to submit DNA to the State DNA Data Base.

- Would amend 29-4106(1) by providing that a person who is convicted of a felony offense or other specified offense on the effective date of this act, who does not have a sample available for use in the State DNA Sample Bank, must have a DNA sample collected before release. The current statute provides that a person who commits the offense before "July 14, 2006", must submit a DNA sample before being released.

- Finally, AM 85 would provide that an individual convicted of a "felony offense" or "other specified offense" on the effective date of this act, who does not have a DNA sample available for use in the State DNA Sample Bank and who is still serving a term of confinement for such felony offense shall not be released prior to his or her maximum term of confinement until a DNA sample has been collected.

Brad Ashford, Chairperson