

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB66**

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**Hearing Date:** Wednesday January 19, 2011  
**Committee On:** Judiciary  
**Introducer:** Cornett  
**One Liner:** Change provisions relating to DNA collection

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

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**Vote Results:**

**Aye:** 8 Senators Ashford, Council, Coash, Harr, Larson, Lathrop, Lautenbaugh, McGill  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

Jeff Davis  
Sean Kelley  
Amy Prenda

**Representing:**

NE Sheriff's Association  
Douglas County  
NE Sheriff's Association

**Opponents:**

Ellen Fabian Brokofsky

**Representing:**

Office of Probation & Administrations

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

LB 66 would amend 29-4106 to require that DNA samples that are required to be collected under this section be collected by a probation officer from all persons placed on probation. The DNA sample will be collected at the probation office.

LB 66 also clarifies that the collection of a DNA sample from those individuals who are not placed on probation and only receive a fine shall be collected at a detention facility or institution.

Finally, LB 66 provides that if the court waives the cost of taking a DNA Sample for any reason, a county jail or other county detention facility or institution shall not be financially responsible for the cost of the sample.

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**Explanation of amendments:**

AM241 makes the following changes to section 1 of LB 66:

Subdivision (1)(a), which provides that a person upon intake to a prison, jail, or other detention facility will have a DNA sample taken, is clarified to provide that if a person is placed in a county facility, the DNA sample shall be collected by the county sheriff.

Subdivision (1) (b) (i) was created to provide that in any county containing a city of the metropolitan class, a person

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placed on probation or who receives a penalty of a fine or time served shall have their DNA sample collected by a probation officer at the probation office.

Subdivision (1) (b) (ii) was created to provide that in all other counties that do not have a city of the metropolitan class, A person placed on probation shall have their DNA sample collected by a probation officer at a probation office and a person not placed on probation who receives a fine or time served shall have their DNA sample collected by the county sheriff.

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Brad Ashford, Chairperson