
ASSEMBLY BILL NO. 55—ASSEMBLYMEN ANDERSON, PARKS,
BUCKLEY, CLABORN, CONKLIN, HORNE, MANENDO,
OCEGUERA AND WILLIAMS (BY REQUEST)

FEBRUARY 10, 2003

Referred to Committee on Judiciary

SUMMARY—Provides for collection of biological specimens for genetic testing from certain persons. (BDR 14-330)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 1, 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; providing that a local law enforcement agency may cause a biological specimen to be submitted to the Combined DNA Indexing System if a person who is being investigated submits the specimen voluntarily or pursuant to a court order; expanding the crimes for which a defendant is required to submit a biological specimen when he is found guilty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 176 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *If a person who is being investigated for committing a*
4 *crime in this state offers or is ordered by a court to provide to a*
5 *local law enforcement agency a biological specimen to be used for*
6 *an analysis to determine the genetic markers of the specimen, the*
7 *local law enforcement agency shall arrange for the biological*
8 *specimen to be obtained from the person.*
9 2. *After obtaining the biological specimen, the local law*
10 *enforcement agency shall provide the specimen to the forensic*



1 *laboratory that has been designated by the county in which the*
2 *defendant was convicted to conduct or oversee genetic marker*
3 *testing for the county pursuant to NRS 176.0917 to determine the*
4 *genetic markers of the specimen.*

5 *3. The local law enforcement agency may direct the forensic*
6 *laboratory, to the extent authorized by federal law, to submit the*
7 *biological specimen to CODIS upon completion of the genetic*
8 *marker testing of the specimen.*

9 *4. Any cost that is incurred to obtain a biological specimen*
10 *pursuant to this section is a charge against the county in which*
11 *the investigation is being conducted.*

12 **Sec. 2.** NRS 176.0911 is hereby amended to read as follows:
13 176.0911 As used in NRS 176.0911 to 176.0917, inclusive,
14 *and section 1 of this act*, unless the context otherwise requires,
15 “CODIS” means the Combined DNA Indexing System operated by
16 the Federal Bureau of Investigation.

17 **Sec. 3.** NRS 176.0913 is hereby amended to read as follows:
18 176.0913 1. If a defendant is convicted of an offense listed in
19 subsection 4, the court, at sentencing, shall order that:

20 (a) The name, social security number, date of birth and any other
21 information identifying the defendant be submitted to the Central
22 Repository for Nevada Records of Criminal History; and

23 (b) A biological specimen be obtained from the defendant
24 pursuant to the provisions of this section and that the specimen be
25 used for an analysis to determine the genetic markers of the
26 specimen.

27 2. If the defendant is committed to the custody of the
28 Department of Corrections, the Department of Corrections shall
29 arrange for the biological specimen to be obtained from the
30 defendant. The Department of Corrections shall provide
31 the specimen to the forensic laboratory that has been designated by
32 the county in which the defendant was convicted to conduct or
33 oversee genetic marker testing for the county pursuant to
34 NRS 176.0917.

35 3. If the defendant is not committed to the custody of the
36 Department of Corrections, the Division shall arrange for
37 the biological specimen to be obtained from the defendant. The
38 Division shall provide the specimen to the forensic laboratory that
39 has been designated by the county in which the defendant was
40 convicted to conduct or oversee genetic marker testing for the
41 county pursuant to NRS 176.0917. Any cost that is incurred to
42 obtain a biological specimen from a defendant pursuant to this
43 subsection is a charge against the county in which the defendant was
44 convicted and must be paid as provided in NRS 176.0915.



- 1 4. ~~The~~ *Except as otherwise provided in subsection 5, the*
- 2 *provisions of subsection 1 apply to a defendant who is convicted of:*
- 3 (a) A category A felony;
- 4 (b) A category B felony;
- 5 (c) A category C felony involving the use or threatened use of
- 6 force or violence against the victim;
- 7 (d) A crime against a child as defined in NRS 179D.210;
- 8 (e) A sexual offense as defined in NRS 179D.410;
- 9 (f) Abuse or neglect of an older person pursuant to
- 10 NRS 200.5099;
- 11 (g) A second or subsequent offense for stalking pursuant to
- 12 NRS 200.575; ~~or~~
- 13 (h) An attempt or conspiracy to commit an offense listed in ~~this~~
- 14 ~~subsection.~~ *paragraphs (a) to (g), inclusive;*
- 15 (i) *Failing to register with a local law enforcement agency as a*
- 16 *convicted person as required pursuant to NRS 179C.100;*
- 17 (j) *Failing to register with a local law enforcement agency*
- 18 *after being convicted of a crime against a child as required*
- 19 *pursuant to NRS 179D.240; or*
- 20 (k) *Failing to register with a local law enforcement agency*
- 21 *after being convicted of a sexual offense as required pursuant to*
- 22 *NRS 179D.450.*

23 5. *A court shall not order a biological specimen to be*

24 *obtained from a defendant who has previously submitted such a*

25 *specimen for conviction of a prior offense unless the court*

26 *determines that an additional sample is necessary.*

27 **Sec. 4.** NRS 176.0917 is hereby amended to read as follows:

28 176.0917 1. The board of county commissioners of each

29 county shall designate a forensic laboratory to conduct or oversee

30 for the county any genetic marker testing that is ordered or arranged

31 pursuant to NRS 176.0913 ~~or, 176.0916.~~, *176.0916 or section 1*

32 *of this act.*

33 2. The forensic laboratory designated by the board of county

34 commissioners pursuant to subsection 1:

35 (a) Must be operated by this state or one of its political

36 subdivisions; and

37 (b) Must satisfy or exceed the standards for quality assurance

38 that are established by the Federal Bureau of Investigation for

39 participation in CODIS.

40 **Sec. 5.** The provisions of subsection 1 of NRS 354.599 do not

41 apply to any additional expenses of a local government that are

42 related to the provisions of this act.

43 **Sec. 6.** This act becomes effective upon passage and approval.

