

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)
(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; 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.** NRS 176.0913 is hereby amended to read as
2 follows:
3 176.0913 1. If a defendant is convicted of an offense listed in
4 subsection 4, the court, at sentencing, shall order that:
5 (a) The name, social security number, date of birth and any other
6 information identifying the defendant be submitted to the Central
7 Repository for Nevada Records of Criminal History; and
8 (b) A biological specimen be obtained from the defendant
9 pursuant to the provisions of this section and that the specimen be
10 used for an analysis to determine the genetic markers of the
11 specimen.
12 2. If the defendant is committed to the custody of the
13 Department of Corrections, the Department of Corrections shall
14 arrange for the biological specimen to be obtained from the



1 defendant. The Department of Corrections shall provide
2 the specimen to the forensic laboratory that has been designated by
3 the county in which the defendant was convicted to conduct or
4 oversee genetic marker testing for the county pursuant to
5 NRS 176.0917.

6 3. If the defendant is not committed to the custody of the
7 Department of Corrections, the Division shall arrange for
8 the biological specimen to be obtained from the defendant. The
9 Division shall provide the specimen to the forensic laboratory that
10 has been designated by the county in which the defendant was
11 convicted to conduct or oversee genetic marker testing for the
12 county pursuant to NRS 176.0917. Any cost that is incurred to
13 obtain a biological specimen from a defendant pursuant to this
14 subsection is a charge against the county in which the defendant was
15 convicted and must be paid as provided in NRS 176.0915.

16 4. ~~4. The~~ *Except as otherwise provided in subsection 5, the*
17 provisions of subsection 1 apply to a defendant who is convicted of:

- 18 (a) A category A felony;
- 19 (b) A category B felony;
- 20 (c) A category C felony involving the use or threatened use of
21 force or violence against the victim;
- 22 (d) A crime against a child as defined in NRS 179D.210;
- 23 (e) A sexual offense as defined in NRS 179D.410;
- 24 (f) Abuse or neglect of an older person pursuant to
25 NRS 200.5099;
- 26 (g) A second or subsequent offense for stalking pursuant to
27 NRS 200.575; ~~or~~
- 28 (h) An attempt or conspiracy to commit an offense listed in ~~this~~
29 *subsection.] paragraphs (a) to (g), inclusive;*
- 30 (i) *Failing to register with a local law enforcement agency*
31 *after being convicted of a crime against a child as required*
32 *pursuant to NRS 179D.240; or*
- 33 (j) *Failing to register with a local law enforcement agency*
34 *after being convicted of a sexual offense as required pursuant to*
35 *NRS 179D.450.*

36 5. *A court shall not order a biological specimen to be*
37 *obtained from a defendant who has previously submitted such a*
38 *specimen for conviction of a prior offense unless the court*
39 *determines that an additional sample is necessary.*

40 **Sec. 2.** 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. 3.** This act becomes effective upon passage and approval.

