

ASSEMBLY BILL NO. 489—ASSEMBLYMEN GUSTAVSON, ANGLE, BEERS,
ANDERSON, BERMAN, BROWER, BROWN, BUCKLEY, CARPENTER,
CLABORN, GIBBONS, HUMKE, LEE, OCEGUERA, PRICE AND
VON TOBEL

MARCH 19, 2001

Referred to Committee on Judiciary

SUMMARY—Requires genetic marker analysis to be obtained from certain offenders convicted of felony. (BDR 14-1038)

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

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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; requiring genetic marker analysis to be obtained from certain offenders convicted of a felony; 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 follows:
- 2 176.0913 1. If a defendant is convicted of an offense listed in
- 3 subsection 4, the court, at sentencing, shall order that:
- 4 (a) The name, social security number, date of birth and any other
- 5 information identifying the defendant be submitted to the central repository
- 6 for Nevada records of criminal history; and
- 7 (b) ~~{Samples of blood}~~ ***A biological specimen*** be obtained from the
- 8 defendant pursuant to the provisions of this section and that the ~~{samples}~~
- 9 ***specimen*** be used for an analysis to determine the genetic markers of the
- 10 ~~{blood}~~ ***specimen***.
- 11 2. If the defendant is committed to the custody of the department of
- 12 prisons, the department of prisons shall arrange for the ~~{samples of blood}~~
- 13 ***biological specimen*** to be obtained from the defendant. The department of
- 14 prisons shall provide the ~~{samples of blood}~~ ***specimen*** to the forensic
- 15 laboratory that has been designated by the county in which the defendant
- 16 was convicted to conduct or oversee genetic marker testing for the county
- 17 pursuant to NRS 176.0917.
- 18 3. If the defendant is not committed to the custody of the department
- 19 of prisons, the division shall arrange for the ~~{samples of blood}~~ ***biological***



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1 ~~specimen~~ to be obtained from the defendant. The division shall provide the
2 ~~[samples of blood]~~ *specimen* to the forensic laboratory that has been
3 designated by the county in which the defendant was convicted to conduct
4 or oversee genetic marker testing for the county pursuant to NRS
5 176.0917. Any cost that is incurred to obtain ~~[the samples of blood from~~
6 ~~the]~~ *a biological specimen from a* defendant pursuant to this subsection is
7 a charge against the county in which the defendant was convicted and must
8 be paid as provided in NRS 176.0915.

9 4. The provisions of subsection 1 apply to a defendant who is
10 convicted of *a category A, B or C felony or* any of the following offenses:
11 (a) A crime against a child as defined in NRS 179D.210.
12 (b) A sexual offense as defined in NRS 179D.410.
13 ~~[(c) Murder, manslaughter or any other unlawful killing pursuant to~~
14 ~~NRS 200.010 to 200.260, inclusive.~~
15 ~~— (d) Mayhem pursuant to NRS 200.280.~~
16 ~~— (e) Administering poison or another noxious or destructive substance or~~
17 ~~liquid with intent to cause death pursuant to NRS 200.390.~~
18 ~~— (f) Battery with intent to commit a crime pursuant to NRS 200.400.~~
19 ~~— (g) Battery which is committed with the use of a deadly weapon or~~
20 ~~which results in substantial bodily harm pursuant to NRS 200.481.~~
21 ~~— (h)] (c)~~ Abuse or neglect of an older person pursuant to NRS 200.509.
22 ~~[(i)] (d)~~ A second or subsequent offense for stalking pursuant to NRS
23 200.575.
24 ~~[(j) Burglary pursuant to NRS 205.060.~~
25 ~~— (k) Invasion of the home pursuant to NRS 205.067.~~
26 ~~— (l)] (e)~~ An attempt to commit an offense listed in this subsection ~~[(j) or~~
27 *to commit a category A, B or C felony.*

28 **Sec. 2.** The amendatory provisions of this act do not apply to a person
29 who is sentenced before October 1, 2001.

