

ASSEMBLY BILL NO. 382—ASSEMBLYWOMAN WEBER

MARCH 24, 2005

Referred to Concurrent Committees on
Judiciary and Ways and Means

SUMMARY—Makes various changes concerning genetic marker testing of certain convicted persons. (BDR 14-923)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 for genetic marker analysis when he is found guilty; making appropriations; 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
14 shall arrange for the biological specimen to be obtained from
15 the defendant. The Department of Corrections shall provide the



specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

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

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

(a) A category A felony;

(b) A category B felony;

(c) A category C felony involving the use or threatened use of force or violence against the victim;

(d) *A category D felony involving the use or threatened use of force or violence against the victim;*

(e) A crime against a child as defined in NRS 179D.210;

~~(e)~~ (f) A sexual offense as defined in NRS 179D.410;

~~(f)~~ (g) Abuse or neglect of an older person pursuant to NRS 200.5099;

~~(g)~~ (h) A second or subsequent offense for stalking pursuant to NRS 200.575;

~~(h)~~ (i) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~(g)~~, inclusive;

~~(i)~~ (h), inclusive;

(j) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (b), (c), (d), (e), (f), (g) ~~or (h)~~, (h) or (i); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (b), (c), (d), (e), (f), (g), ~~or (h)~~ (h) or (i) if committed in this State;

~~(h)~~ (k) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.240; or

~~(k)~~ (l) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.



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

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Las Vegas Metropolitan Police Department Forensic Laboratory to conduct and oversee any genetic marker testing for the county, to maintain and purchase equipment and supplies relating to genetic marker testing and to pay for the salaries, reasonable travel expenses, training and continuing education of employees of the laboratory who conduct or oversee genetic marker testing:

For the Fiscal Year 2005-2006..... \$600,000

For the Fiscal Year 2006-2007..... \$600,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Forensic Science Division of the Washoe County Sheriff's Office Crime Laboratory to conduct and oversee any genetic marker testing for the county, to maintain and purchase equipment and supplies relating to genetic marker testing and to pay for the salaries, reasonable travel expenses, training and continuing education of employees of the laboratory who conduct or oversee genetic marker testing:

For the Fiscal Year 2005-2006..... \$400,000

For the Fiscal Year 2006-2007..... \$400,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

Sec. 4. This act becomes effective on July 1, 2005.



