

ASSEMBLY BILL NO. 92—ASSEMBLYMEN ANDERSON,
MUNFORD, HOGAN, KIHUEN AND SMITH

FEBRUARY 12, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing genetic marker testing of certain convicted persons. (BDR 14-805)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; expanding the crimes for which a convicted person is required to submit a biological specimen to be used for genetic marker analysis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill expands the crimes for which a convicted person is required to submit
2 to the Central Repository for Nevada Records of Criminal History a biological
3 specimen to be used for analysis to determine the genetic markers of the specimen
4 to include any felony, rather than certain felonies. (NRS 176.0913)

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



1 used for an analysis to determine the genetic markers of the
2 specimen.

3 2. If the defendant is committed to the custody of the
4 Department of Corrections, the Department of Corrections shall
5 arrange for the biological specimen to be obtained from the
6 defendant. The Department of Corrections shall provide the
7 specimen to the forensic laboratory that has been designated by
8 the county in which the defendant was convicted to conduct or
9 oversee genetic marker testing for the county pursuant to
10 NRS 176.0917.

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

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

23 (a) ~~A category A~~ felony;

24 (b) ~~A category B felony;~~

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

27 ~~—(d)~~ A crime against a child as defined in NRS 179D.210;

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

29 ~~(f)~~ (d) Abuse or neglect of an older person or a vulnerable
30 person pursuant to NRS 200.5099;

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

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

35 ~~—(i) (e), inclusive;~~

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

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

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



- 1 ~~(h)~~ (h) Failing to register with a local law enforcement agency
2 after being convicted of a crime against a child as required pursuant
3 to NRS 179D.240; or
4 ~~(i)~~ (i) Failing to register with a local law enforcement agency
5 after being convicted of a sexual offense as required pursuant to
6 NRS 179D.450.
7 5. A court shall not order a biological specimen to be obtained
8 from a defendant who has previously submitted such a specimen for
9 conviction of a prior offense unless the court determines that an
10 additional sample is necessary.

