

HOUSE BILL 256

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Al Park

AN ACT

RELATING TO CRIMINAL LAW; REQUIRING DNA SAMPLES FROM ALL
PERSONS ARRESTED FOR THE COMMISSION OF A FELONY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 29-3-10 NMSA 1978 (being Laws 2006,
Chapter 104, Section 1) is amended to read:

"29-3-10. DNA COLLECTION FROM PERSONS ARRESTED.--

A. A person eighteen years of age or over who is
arrested for the commission of a felony under the laws of this
state or any other jurisdiction shall provide a DNA sample to
jail or detention facility personnel upon booking. A sample is
not required if it is determined that a sample has previously
been taken, is in the possession of the administrative center,
has not been expunged pursuant to the DNA Identification Act
and is sufficient for DNA identification testing.

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underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 B. Jail or detention facility personnel who collect
2 samples pursuant to this section shall forward the samples to
3 the administrative center.

4 C. Samples shall be collected in accordance with
5 rules and procedures adopted by the DNA oversight committee,
6 shall be subject to the confidentiality and penalty provisions
7 of the DNA Identification Act and shall be used only as
8 authorized by that act.

9 D. As used in this section:

10 (1) "administrative center" means the law
11 enforcement agency or unit that administers and operates the
12 DNA identification system pursuant to the provisions of the DNA
13 Identification Act;

14 (2) "DNA" means deoxyribonucleic acid; and

15 ~~(3) "felony" means:~~

16 ~~(a) a sex offense as defined in the~~
17 ~~provisions of Section 29-11A-3 NMSA 1978 that is a felony; or~~

18 ~~(b) any other felony offense that~~
19 ~~involves death, great bodily harm, aggravated assault,~~
20 ~~kidnapping, burglary, larceny, robbery, aggravated stalking,~~
21 ~~use of a firearm or an explosive or a violation pursuant to the~~
22 ~~Antiterrorism Act; and~~

23 ~~(4)]~~ (3) "sample" means a sample of biological
24 material that is sufficient for DNA testing."

25 SECTION 2. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2011.

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