

FORTY-SIXTH LEGISLATURE
FIRST SESSION

March 13, 2003

HOUSE FLOOR AMENDMENT number ___1__ to HOUSE BILL 449

Amendment sponsored by Representative

1. On page 6, line 5, strike "and".
2. On page 6, line 8, strike the period and insert in lieu thereof a semi colon.
3. On page 6, between lines 8 and 9, insert the following new paragraphs to read:
 - "(3) a DNA sample for insertion into the DNA identification system as a covered offender pursuant to the provisions of the DNA Identification Act; and
 - (4) a DNA collection fee of one hundred dollars (\$100). The fee shall be deposited in the DNA identification system fund."
4. On page 8, line 23, after "forward" insert a colon and the paragraph designation "(1)".
5. On page 9, line 8, strike the period and insert in lieu thereof a semi colon.
6. On page 9, between lines 8 and 9, insert the following new paragraphs to read:
 - "(2) samples of DNA obtained from sex offenders to the DNA identification system's administrative center for insertion into the DNA identification system as a covered offender; and
 - (3) collected fees to the department of public safety

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for deposit into the DNA identification system fund. "

7. On page 14, line 11, strike the quotation mark.

8. On page 14, between lines 11 and 12, insert the following new subsection and section to read:

"F. DNA analysis information shall only be disclosed pursuant to the provisions of Section 29-16-8 NMSA 1978. "

Section 5. Section 29-16-6 NMSA 1978 (being Laws 1997, Chapter 105, Section 6) is amended to read:

"29-16-6. [~~COVERED OFFENDERS SUBJECT TO~~] COLLECTION OF SAMPLES. -- [Each]

A. A covered offender shall provide one or more samples to the administrative center, as follows:

[A.] (1) a covered [~~offenders~~] offender convicted on or after [~~the effective date of the DNA Identification Act~~] July 1, 1997 shall provide a sample [~~at any time~~] immediately upon request of the corrections department so long as the request is made before release from any correctional facility or, if the covered offender is not sentenced to incarceration, before the end of any period of probation or other supervised release;

[B.] (2) a covered [~~offenders~~] offender incarcerated on [~~the effective date of the DNA Identification Act~~] or after July 1, 1997 shall provide a sample [~~at any time~~] immediately upon request of the corrections department so long as the request is made before release from any correctional facility; [and

[C.] (3) a covered [~~offenders~~] offender on probation or other supervised release on [~~the effective date of the DNA Identification Act~~] or after July 1, 1997 shall provide a sample

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immediately upon request of the corrections department so long as the request is made before the end of any period of probation or other supervised release; and

[D-] (4) a covered offender who registers or renews his registration as a sex offender pursuant to the provisions of Section 29-11A-4 NMSA 1978 on or after July 1, 2003 shall provide a sample at the time the sex offender registers or renews his registration.

B. Samples from unidentified persons or relatives of a missing person shall be provided to the administrative center as follows:

(1) upon the completion of a permission to search form authorizing the collection of a DNA sample;

(2) upon the receipt of a properly executed search warrant; or

(3) upon the issuance of a court order.

C. Samples from unidentified human remains shall be provided by the state medical investigator.

D. Samples of known reference materials from missing persons shall be provided by the investigating law enforcement agency."

9. Renumber the succeeding section accordingly.

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____