

1 AN ACT  
2 RELATING TO DNA IDENTIFICATION; PROVIDING PROCEDURES FOR THE  
3 DNA OF A PERSON ARRESTED FOR A FELONY BUT WHO DIES BEFORE  
4 BEING CHARGED TO BE ENTERED INTO CODIS.  
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6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. A new section of the DNA Identification Act  
8 is enacted to read:

9 "ENTERING DNA INTO CODIS AFTER DEATH.--The  
10 administrative center shall enter the DNA of a person  
11 collected pursuant to Section 29-3-10 NMSA 1978 into CODIS  
12 upon the death of the person if the person dies before being  
13 charged with a felony; provided that, if:

14 A. the person was not incarcerated at the time of  
15 death, the DNA shall be entered only upon a motion by the  
16 district attorney and an order from the court with  
17 jurisdiction over the felony had charges been filed; and

18 B. the person was incarcerated at the time of  
19 death or had been released prior to July 1, 1997, the DNA  
20 shall be entered automatically."

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