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SENATE BILL 365

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

INTRODUCED BY

Vernon D. Asbill

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

underscored material = new  
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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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underscoring material = new  
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1 provisions of this act is July 1, 2011.

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