



549966

LEGISLATIVE ACTION

Senate

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House

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Senator Jones moved the following:

**Senate Amendment (with title amendment)**

Delete lines 1168 - 1177

and insert:

federal immigration agency may submit a DNA sample when the law enforcement agency having custody of the offender receives the detainer. However, a law enforcement agency may not forcibly extract a DNA sample from such a person, and he or she may not be charged with a criminal offense for refusing to submit a DNA sample.

(7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—



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12           (f) A law enforcement agency having custody of a person who  
13 becomes a qualifying offender solely because of the issuance of  
14 an immigration detainer by a federal immigration agency may  
15 request that a DNA sample be taken from the qualifying offender  
16 immediately after the agency receives the detainer and may  
17 secure and transmit the sample to the department in a timely  
18 manner. However, a law enforcement agency may not forcibly  
19 extract such a DNA sample, and the qualifying offender may not  
20 be charged with a criminal offense for refusing to submit a DNA  
21 sample.

22  
23 ===== T I T L E   A M E N D M E N T =====

24 And the title is amended as follows:

25           Delete lines 160 - 162

26 and insert:

27           issued by a federal immigration agency; providing that  
28           certain qualifying offenders may submit DNA samples at  
29           a specified time; prohibiting law enforcement agencies  
30           from forcibly extracting a DNA sample from such  
31           persons; providing that a qualifying offender who  
32           refuses to submit a DNA sample may not be charged with  
33           a criminal offense for refusing to submit a DNA  
34           sample; authorizing law enforcement agencies