

BILL ANALYSIS

Senate Research Center

H.B. 588
By: Garcia (Jackson)
Jurisprudence
5/10/2001
Engrossed

DIGEST AND PURPOSE

Recent advances in DNA technology can help ensure that justice is better served by helping to identify persons who commit crimes as well as exonerate innocent persons accused of a crime. Current law requires an adult inmate of the institutional division or another penal institution of the Texas Department of Criminal Justice (TDCJ) to submit one or more blood samples or other specimens to TDCJ for the creation of a DNA record only if the inmate is ordered by a court to give the sample or is serving a sentence for certain violent crimes. The law also requires a juvenile who is committed to the institutional division of the Texas Youth Commission (TYC) to provide one or more blood samples or other specimens for the creation of a DNA record at the request of TYC or if the individual has been committed for an adjudication related to certain violent crimes. H.B. 588 broadens the type and scope of offenses for which a blood sample must be surrendered by requiring any adult inmate convicted of a felony or any juvenile who receives an adjudication for delinquent conduct of the grade of felony to provide one or more blood samples or other specimens for the creation of a DNA record.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.148(a), Government Code, to require an inmate serving a sentence for a felony in the institutional division, rather than institutional division or other penal institution, to provide one or more blood samples or other specimens for the purpose of creating a DNA record, except for certain offenses. Deletes text that requires the blood sample or other specimen to be requested by the institutional division. Deletes text that included certain offences for the requirement to provide a blood sample or specimen.

SECTION 2. Amends Section 411.148, Government Code, by adding Subsection (i) to require the executive director, notwithstanding Subsection (a), to direct the institutional division to give priority to obtaining samples from inmates ordered by a court to give the sample or specimen or serving sentences for certain offenses, if at the beginning of a fiscal year the executive director of the Texas Department of Criminal Justice (department) determines that sufficient funds have not been appropriated to the department to obtain a sample from each inmate otherwise required to provide a sample under Subsection (a).

SECTION 3. Amends Section 411.150(a), Government Code, to require a juvenile who is committed to the Texas Youth Commission (commission) to provide one or more blood samples or other specimens for the purpose of creating a DNA record if the juvenile is committed to the commission for an adjudication as having engaged in delinquent conduct that violates a penal law of the grade of felony, rather than certain offenses.

SECTION 4. Amends Section 411.150, Government Code, by adding Subsection (g) to require the executive director, notwithstanding Subsection (a), to direct the commission to give priority to obtaining

samples from juveniles ordered by a court to give the sample or specimen or committed to the commission for an adjudication as having engaged in delinquent conduct that violates certain Penal Codes, if at the beginning of a fiscal year the executive director of the commission determines that sufficient funds have not been appropriated to the commission to obtain a sample from each juvenile otherwise required to provide a sample under Subsection (a).

SECTION 5. Amends Chapter 411G, Government Code, by adding Section 411.155, as follows:

Sec. 411.155. CERTAIN RESTRICTIONS OF USE; CRIMINAL OFFENSE. Provides that a DNA record created under this subchapter is confidential and authorizes it to be used only by a law enforcement agency or by an attorney representing the person who is the subject of the record under a court order. Authorizes a DNA sample or specimen to be obtained under this subchapter only for the purpose of identification. Authorizes a DNA record to be expunged if the person who is the subject of the record is found not guilty of the offense charged. Provides that a person commits a state jail felony if the person violates this section.

SECTION 6. Makes changes in law to Sections 411.148(a) and 411.150(a), Government Code, prospective.

SECTION 7. Effective date: January 1, 2002.