

BILL ANALYSIS

Senate Research Center
78R6905 KCR-D

H.B. 562
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Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Under current law, capital murder is not included as an offense requiring criminals to provide a blood sample or other specimens for the creation of a DNA record. According to the Department of Public Safety, the Texas DNA forensic database, CODIS (Combined DNA Index System), has collected 137, 246 samples since its inception in 1995 under House Bill 40 of the 74th Legislature. A total of 324 investigations that would have otherwise remained unsolved before this program have now been closed, and out of the 324 investigations, 183 were "cold hits." This database has proven itself to be a valuable tool for law enforcement agencies and will become even more valuable as technology further advances. Various law enforcement agencies would like to see the integrity of the CODIS system enhanced by including information identifying capital murder offenders in the database. The purpose of H.B. 562 is to include, in the DNA database, information from those convicted of capital murder in the future as well as those currently incarcerated for capital murder in either the Texas Department of Criminal Justice or the Texas Youth Commission.

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 Subchapter G, Chapter 411, Government Code, by adding Section 411.1481, as follows:

Sec. 411.1481. DNA RECORDS: CAPITAL MURDER. (a) Provides that this section applies to certain persons.

(b) Requires the institutional division of the Texas Department of Criminal Justice (institutional division) or the Texas Youth Commission (TYC), as appropriate, to obtain a sample or specimen from an inmate or juvenile described by Subsection (a) for the purpose of creating a DNA record and to perform duties in respect to obtaining, preserving, maintaining a record of, and sending the sample or specimen to the director in the same manner as if the sample or specimen were obtained under Section 411.148.

SECTION 2. (a) Provides that this Act takes effect on the date on which the director of the Department of Public Safety certifies to the governor, the lieutenant governor, and the speaker of the house of representatives that the state has received funds from the federal government or from other sources in a sufficient amount to pay all costs to the state associated with taking samples or specimens from all inmates serving sentences for an offense under Section 19.03, Penal Code, and all juveniles committed to TYC for an adjudication as having engaged in delinquent conduct that violates Section 19.03, Penal Code, for the purpose of creating a DNA record under Subchapter G, Chapter 411, Government Code, as required by this Act.

(b) Requires the institutional division, as required by Section 411.1481, Government Code, as added by this Act, to collect a blood sample or other specimen from an inmate serving a sentence for capital murder from whom a blood sample or other specimen was

not required before the effective date of this Act or from an inmate previously convicted of capital murder. Requires the division to collect the sample or specimen during the diagnostic process, but only from an inmate who has not completed the diagnostic process before the 120th day following the effective date of this Act. Requires the institutional division to collect the sample or specimen not later than the first anniversary of the effective date of this Act from an inmate who has completed the diagnostic process before the 120th day following the effective date of this Act.

(c) Requires TYC, as required by Section 411.1481, Government Code, as added by this Act, to collect a blood sample or other specimen from a juvenile committed to TYC for capital murder from whom a blood sample or other specimen was not required before the effective date of this Act or from a juvenile previously committed to TYC for capital murder. Requires TYC to collect the sample or specimen during the initial examination, but only from a juvenile who has not completed the initial examination before the 120th day following the effective date of this Act. Requires TYC to collect the sample or specimen not later than the first anniversary of the effective date of this Act or 30 days before the juvenile's scheduled release or transfer from a facility operated by TYC, whichever is earlier, from a juvenile who has completed the initial examination before the 120th day following the effective date of this Act.