

BILL ANALYSIS

Senate Research Center
83R6133 AJZ-D

S.B. 1292
By: Ellis
Criminal Justice
4/4/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1292 requires the state to perform all DNA testing of biological evidence prior to trial in any capital offense where the state is seeking the death penalty. It requires the state to pay for all the DNA testing performed in accordance with this law.

This bill will not significantly increase the state's upfront costs, but will save the state thousands of dollars going forward. It will help prevent costly appeals in the future, as defendants seek testing of the DNA evidence in a process that often lasts decades. This will save thousands of taxpayer dollars.

It also helps prevent wrongful convictions and ensures public safety. Testing all the relevant DNA evidence before the trial ensures that an innocent person is not on death row for a crime he did not commit. It also saves the state incarceration and compensation costs. Finally, it keeps society safe by making sure that the guilty party is in prison.

As proposed, S.B. 1292 amends current law relating to DNA testing of biological evidence in certain capital cases.

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 Article 38.43, Code of Criminal Procedure, by adding Subsection (i), as follows:

(i) Requires the Department of Public Safety of the State of Texas to perform DNA testing on all biological evidence that was collected as part of an investigation of the offense before a defendant is tried for a capital offense in which the state is seeking the death penalty. Requires the state to pay for all DNA testing performed in accordance with this subsection.

SECTION 2. Makes application of Article 38.43(i), Code of Criminal Procedure, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2013.