

BILL ANALYSIS

Senate Research Center
85R2117 MAW-D

H.B. 238
By: Hernandez et al. (Perry)
Criminal Justice
5/13/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is concern that certain individuals convicted of solicitation are not required to submit a deoxyribonucleic acid (DNA) sample to be entered into the Federal Bureau of Investigation's Combined DNA Index System (CODIS) database.

Interested parties contend that including this sexual offense among those convictions that mandate an individual to submit a DNA sample could help vindicate innocent suspects and link actual perpetrators to unsolved crimes. These parties point to the recidivistic nature of these types of crimes and the likelihood that an individual who committed a crime for which the individual is under investigation may have been convicted of a similar crime in the past for which the individual's DNA profile was placed in the DNA database. H.B. 238 addresses these concerns.

H.B. 238 amends current law relating to the creation of records of the DNA of certain defendants for inclusion in the DNA database system.

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 411.1471(a), Government Code, to provide that this section applies to a defendant who is indicted or waives indictment for a felony prohibited or punishable under certain sections of the Penal Code, including Section 43.02(b) (relating to an offense if a person knowingly offers to engage, agrees to engage, or engages in sexual conduct or solicits another in a public place to engage with the actor in sexual conduct for hire).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.