

BILL ANALYSIS

Senate Research Center

H.B. 979
By: Hernandez; Smith (Perry)
Criminal Justice
5/6/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that the requirement for certain sex offenders and defendants convicted of certain felony offenses to provide a specimen for purposes of creating a DNA record in the DNA database system does not apply to those who commit certain related offenses. It has been suggested that the inclusion of a DNA record of these other offenders could provide critical data in linking crimes, preventing repeat offenses, and helping vindicate innocent suspects. H.B. 979 seeks to address this issue by including defendants who have been convicted of a Class A misdemeanor offense of assault, deadly conduct, or unlawful restraint among those required to provide a specimen for such purposes.

H.B. 979 amends the Government Code to require a defendant convicted of a Class A misdemeanor offense of unlawful restraint, assault, or deadly conduct to provide one or more specimens to a law enforcement agency after conviction for the purpose of creating a DNA record.

H.B. 979 amends current law relating to the creation of DNA records for 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, as follows:

(a) Provides that this section (DNA Records of Persons Arrested For, Charged With, or Convicted of Certain Offenses) applies to a defendant who is:

(1)–(2) makes no changes to these subdivisions; or

(3) convicted of an offense:

(A) under Title 5 (Offenses Against the Person), Penal Code, other than an offense described by Subdivision (1), that is punishable as a Class A misdemeanor or any higher category of offense, except for an offense punishable as a Class A misdemeanor under Section 22.05 (Deadly Conduct), rather than Section 20.02 (Unlawful Restraint), 22.01 (Assault), or 22.05, Penal Code; or

(B) makes no changes to this paragraph.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.