

BILL ANALYSIS

C.S.H.B. 1399
By: Smith
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that expanding the felony offenses for which a defendant must provide a DNA sample at the time of arrest will make state DNA records more comprehensive and that the expanded evidentiary DNA pool will increase the likelihood of solving crimes. C.S.H.B. 1399 provides for this by expanding the applicability of the requirement to collect a DNA sample.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1399 amends the Government Code to expand the applicability of statutory provisions requiring a defendant arrested for certain felony offenses to provide one or more specimens for the purpose of creating a DNA record to include a defendant arrested for any conduct that is prohibited as a felony for the following offenses: murder, capital murder, kidnapping, aggravated kidnapping, smuggling of persons, continuous smuggling of persons, trafficking of persons, continuous trafficking of persons, continuous sexual abuse of a young child or children, indecency with a child, assault, sexual assault, aggravated assault, aggravated sexual assault, prohibited sexual conduct, robbery, aggravated robbery, burglary, theft, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, sexual performance by a child, or possession or promotion of child pornography. The bill removes a provision requiring a defendant who is indicted for or waives indictment for certain felony offenses to provide a DNA record and a provision limiting the requirement to provide a DNA record on arrest to arrest for certain offenses subsequent to a conviction or deferred adjudication for certain offenses.

C.S.H.B. 1399 requires the public safety director of the Department of Public Safety to apply for any available federal grant funds applicable to the creation and storage of DNA records of persons arrested for certain offenses.

C.S.H.B. 1399 amends the Code of Criminal Procedure to make conforming changes.

C.S.H.B. 1399 repeals Section 411.1471(c), Government Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1399 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the felonies the arrest for which triggers the requirement to create a DNA record from any felony offense to certain specified felonies.