

SUBJECT: Expanding DNA database of offenders

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 5 ayes — Oakley, Keffer, Madden, Olivo, E. Reyna

2 nays — Carter, Keel

2 absent — Driver, McClendon

WITNESSES: For — None

Against — None

On — Rob Urbanovsky, Texas Department of Public Safety

BACKGROUND : The Department of Public Safety maintains a computerized database that includes the results of analyses of deoxyribonucleic acid (DNA) taken from adults and juveniles convicted of certain crimes. By court order, inmates of the institutional division of the Texas Department of Criminal Justice (TDCJ) and juveniles confined in the Texas Youth Commission (TYC) can be required to submit a blood sample for the database if convicted of certain specified sex offenses or if convicted of any offense following a previous conviction for one of the specified sex offenses. By statute, the primary purpose of the database is to assist in the investigation and prosecution of criminal offenses.

DIGEST: CSHB 2251 would include in the list of offenders required to provide DNA specimens adults and juveniles convicted of specified offenses and confined in a correctional facilities, including jails operated by or under contract with cities or counties and facilities operated under contract with TDCJ or TYC. The bill also would list cheek cells or buccal swab specimens among the type of samples that can be required of persons submitting samples for the database.

Administrators of penal institutions would be required to obtain the DNA samples as soon as practicable if the offender was not going to be transferred to TDCJ or the person was likely to be released before being sent to TDCJ.

The bill would change the penalty that could be assessed for disclosing the confidential information in the DNA database from a maximum fine of up to \$1,000 or six months in jail to a Class B misdemeanor, punishable by a maximum penalty of 180 days in jail and a \$2,000 fine.

The bill would take effect September 1, 1997, and would apply to any person held in confinement on or after the effective date regardless of the initial confinement date. The new penalty for disclosing information would apply only to an offense committed on or after the bill's effective date.

**SUPPORTERS  
SAY:**

CSHB 2251 would clear up current law by defining more specifically who can be required to submit samples for the DNA data base. The bill would make it clear that persons confined in jails and correctional facilities operated by or under a contract with city or county jails, TDCJ or TYC could be included in the state's DNA database if they met other criteria specified in current law. This would ensure that the database was complete and included all offenders.

CSHB 2251 also would specify that, in addition to blood samples, cheek cells and buccal swabs could be used to gather information for the database. This would ensure that database information could be gathered from all types of specimens. This would improve the information in the data base and could make it easier to investigate crimes and prosecute offenders.

The bill would not require TDCJ or TYC to go back and take additional samples from inmates or juveniles and would only apply to future contracts with other states that house out of state inmates.

**OPPONENTS  
SAY:**

No apparent opposition.

NOTES: The committee substitute eliminated requirements that persons charged with certain other offenses submit to DNA sampling and that correctional facility administrators send samples to TDCJ; specified that certain requirements for sampling would not apply to samples taken under a court order; and added references to cheek cells and buccal swabs.