

- SUBJECT:** Including DNA records for certain defendants in the state database
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
0 nays
- WITNESSES:** For — Eric Carcerano, Chambers County District Attorney’s Office;
(*Registered, but did not testify:* Rita Ostrander, Combined Law Enforcement Associations of Texas; Jessica Anderson, Houston Police Department; Stephanie Stephens, Nacogdoches County Attorney)
Against — None
On — (*Registered, but did not testify:* Michael Lesko, Texas Department of Public Safety; Lynn Garcia, Texas Forensic Science Commission)
- BACKGROUND:** The Department of Public Safety (DPS) maintains the state’s computerized DNA database under Government Code ch. 411, subch. G. The database’s principal purpose is to help criminal justice agencies investigate and prosecute crimes. Sec. 411.1471 requires a person to provide a specimen for the creation of a DNA record after being arrested, charged with, or convicted of certain offenses.
It has been noted that the requirement for certain sex offenders and defendants convicted of certain felony offenses to provide a DNA specimen for the database system does not apply to other related offenses. Some have suggested that the inclusion of a DNA record for these related offenses could provide critical data in linking crimes, preventing repeat offenses, and helping vindicate innocent suspects.
- DIGEST:** HB 979 would require a person convicted of a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) offense of unlawful restraint, assault, or deadly conduct to provide to a law enforcement

agency one or more specimens for the purpose of creating a DNA record after conviction.

The bill would take effect September 1, 2019, and would apply only to an offense committed on or after that date.