

SUBJECT: Establishing a rapid DNA analysis pilot program in certain counties

COMMITTEE: Homeland Security & Public Safety — favorable, without amendment

VOTE: 7 ayes — Guillen, Jarvis Johnson, Bowers, Dorazio, Harless, Holland, Troxclair

0 nays

2 absent — Canales, Goodwin

WITNESSES: For — Cheryl Lieck, Chambers County District Attorney’s Office; Ashley Spence, DNA Justice Project; Brian Hawthorne, Ray Scifres, Sheriffs Association of Texas (*Registered, but did not testify*: Staley Heatly, 46th District Attorney; Will Ramsay, 8th Judicial District Attorney’s Office; Sloan Byerly, ANDE; Eric Carcerano, Chambers County District Attorney; Erleigh Wiley, Criminal District Attorney, Kaufman County; James Parnell, Dallas Police Association; Ray Hunt, Houston Police Officers’ Union; Buddy Mills, Sheriffs Association of Texas; Mitch Landry, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance)

Against — (*Registered, but did not testify*: Quynh-Huong Nguyen, Woori Juntos)

On — Brady Mills, Texas DPS Crime Lab

BACKGROUND: Concerns have been raised that some law enforcement agencies may not be able to receive DNA test results in a timely manner.

DIGEST: HB 3957 would direct the Department of Public Safety (DPS) to establish a pilot program to optimize the DNA records reporting process by assisting law enforcement agencies to implement rapid DNA analysis.

The bill would define "rapid DNA analysis" as the fully automated processing of a reference buccal swab sample to provide a DNA record

that is eligible for comparison in the CODIS database within 24 hours.

Beginning September 1, 2023, the program would be required to operate and assist law enforcement agencies with jurisdiction in El Paso, Galveston, Montgomery, Tarrant, and Travis counties. Beginning September 1, 2024, DPS would be required to expand the program to assist agencies with jurisdiction in Bexar, Collin, Dallas, Harris, and Hidalgo counties.

DPS and the relevant law enforcement agencies could consult with the FBI regarding rapid DNA analysis implementation and best practices. By January 1, 2026, DPS would be required to review the program and submit a written report to the Legislature on the progress of the program in optimizing DNA record reporting, including any recommendations regarding the continuation or expansion of the program.

DPS could solicit and accept gifts, grants, and donations from any public or private source to fund the program. DPS also could adopt any necessary rules for the implementation of the bill.

HB 3957 would expire September 1, 2025.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of about \$16 million to general revenue related funds during fiscal 2024-25.