

SUBJECT: Establishing a timeline for certain DNA database matches

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 — Tracy Matheson; Melissa Winton (*Registered, but did not testify*: Justin Wood, Children’s Advocacy Centers of Texas; Brian Hawthorne, Buddy Mills, Ray Scifres, Sheriffs’ Association of Texas; Krista Del Gallo, Texas Council on Family Violence)

Against — (*Registered, but did not testify*: Heather Miller)

On — Brady Mills, Texas DPS Crime Lab (*Registered, but did not testify*: Liz Boyce, Texas Association Against Sexual Assault)

BACKGROUND: Some have suggested that establishing a timeline for handling certain DNA database matches could aid in a law enforcement agency's investigation.

DIGEST: HB 4628 would require that, by the seventh day after the Department of Public Safety (DPS) performed a comparison of DNA profiles required for certain sexual offense evidence analyses, DPS notify the accredited crime laboratory that analyzed the evidence collection kit whether the comparison of biological evidence to database profiles resulted in any matches.

If a match was identified, the law enforcement agency that submitted the evidence collection kit would be required to provide any additional information concerning the match requested by the crime laboratory no later than the fifth business day after the request was made.

Not later than the 30th day after a match was identified, written notification would have to be provided to the law enforcement agency that submitted the evidence collection kit of any case-to-case match that could assist in the investigation of a criminal case and any verified match that identified a suspect or offender. Verification of a match identifying an offender could be expedited in cases involving a significant public safety concern.

Not later than the fifth business day after receiving a notification, the law enforcement agency would be required to acknowledge receipt of the notification. By the 30th day after a law enforcement agency received a notification, the law enforcement agency would be required to attempt to collect a DNA sample from an identified suspect or offender and submit the sample to an accredited crime laboratory for analysis.

The bill would take effect September 1, 2023, and would apply only to the comparison of DNA profiles that were performed on or after the effective date.