

BILL ANALYSIS

Senate Research Center

H.B. 3215
By: McCall (Shapiro)
Criminal Justice
5/13/1999
Engrossed

DIGEST

The legislature passed H.B. 40 during the 74th Legislature to create the CODIS DNA database for sex offenders. H.B. 3215 allows the Texas Department of Criminal Justice and the Texas Youth Commission to use force, if necessary, to collect DNA specimens from those who are required to submit samples to the CODIS database maintained by the Department of Public Safety.

PURPOSE

As proposed, H.B. 3215 establishes provisions regarding the methods by which the Texas Department of Criminal Justice and the Texas Youth Commission obtain samples or specimens for the purpose of creating a DNA record.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.148, Government Code, by adding Subsections (f)-(h), to authorize a medical staff employee of the institutional division of the Texas Department of Criminal Justice (institutional division) to obtain a voluntary sample or specimen from any inmate; an employee of the institutional division to use force against an inmate required to provide a sample under this section when and to the degree the employee reasonably believes the force is immediately necessary to obtain the sample or specimen; and the Texas Department of Criminal Justice to contract with an individual or entity for the provision of phlebotomy services under this section.

SECTION 2. Amends Section 411.150, Government Code, by adding Subsections (c)-(f), to require the Texas Youth Commission (commission) to obtain blood samples or other specimens from juveniles under this section; preserve each sample or other specimen collected; maintain a record of the collection of the sample or specimen; and send the sample or specimen to the director for scientific analysis under this subchapter. Authorizes a medical staff employee of the commission to obtain a voluntary sample or specimen from any juvenile. Authorizes an employee of the commission to use force against a juvenile required to provide a sample under this section when and to the degree the employee reasonably believes the force is immediately necessary to obtain the sample or specimen. Authorizes the commission to contract with an individual or entity for the provision of phlebotomy services under this section.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.