

By: Goldman

H.B. No. 4628

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the duties of law enforcement agencies, crime
3 laboratories, and the Department of Public Safety following the
4 performance of certain DNA profile comparisons.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 420.043, Government Code, is amended by
7 adding Subsection (a-1) to read as follows:

8 (a-1) Not later than the seventh day after the date the
9 department performs a comparison of DNA profiles required under
10 Subsection (a), the department shall notify the accredited crime
11 laboratory that analyzed the evidence collection kit containing
12 biological evidence whether the comparison of the DNA profile
13 obtained from the biological evidence to DNA profiles contained in
14 the databases described by Subsections (a)(1) and (2) resulted in
15 any matches.

16 SECTION 2. Subchapter B-1, Chapter 420, Government Code, is
17 amended by adding Sections 420.0431 and 420.0432 to read as
18 follows:

19 Sec. 420.0431. DUTIES FOLLOWING DATABASE DNA MATCH. (a) If
20 a match that may assist in the investigation of a criminal case is
21 identified under Section 402.043 between biological evidence
22 contained in an evidence collection kit and a DNA profile contained
23 in a database described by Subsection (a)(1) or (2) of that section,
24 on request of the accredited crime laboratory that performed the

1 analysis of the evidence collection kit, a law enforcement agency
2 that submitted the evidence collection kit to the crime laboratory
3 shall, not later than the fifth business day after the date the
4 request is made, provide any additional information requested by
5 the crime laboratory concerning the match.

6 (b) Not later than the 60th business day after the crime
7 laboratory receives written notification that a match that may aid
8 in the investigation of a criminal case has been identified under
9 Section 402.043 between biological evidence contained in an
10 evidence collection kit and a DNA profile contained in a database
11 described by Subsection (a)(1) or (2) of that section, written
12 notification must be provided to the law enforcement agency that
13 submitted the evidence collection kit of:

14 (1) any case-to-case match that may assist in the
15 investigation of a criminal case; and

16 (2) any verified match that identifies a suspect or
17 offender.

18 (c) Verification of a match identifying an offender under
19 Subsection (b)(2) may be expedited in cases involving a significant
20 public safety concern.

21 (d) Not later than the fifth business day after receiving a
22 notification under Subsection (b)(1), the law enforcement agency
23 shall acknowledge receipt of the notification.

24 (e) Not later than the 30th business day after the date a law
25 enforcement agency receives a notification of a verified match
26 under Subsection (b)(2), the law enforcement agency shall attempt
27 to collect a DNA sample from an identified suspect or offender and

1 submit the sample to an accredited crime laboratory for analysis.

2 Sec. 420.0432. SURVIVOR NOTIFICATION CONCERNING DATABASE
3 DNA MATCH. (a) If, with respect to a sexual assault or other sex
4 offense, a match is identified under Section 420.043 between
5 biological evidence contained in an evidence collection kit and a
6 DNA profile contained in a database described by Subsection (a)(1)
7 or (2) of that section, the law enforcement agency with
8 jurisdiction over the offense shall, not later than the fifth
9 business day after the law enforcement agency receives notification
10 of the match, notify the survivor, as applicable, of:

11 (1) the match, if disclosing the match would not
12 interfere with the investigation or prosecution of the offense; or

13 (2) the estimated date on which the match is expected
14 to be disclosed, if disclosing the match would interfere with the
15 investigation or prosecution of the offense.

16 (b) If a law enforcement agency is unable to notify a
17 survivor under Subsection (a) within the period required by that
18 subsection, the agency shall continue to make reasonable efforts to
19 notify the survivor.

20 SECTION 3. Section 420.043, Government Code, as amended by
21 this Act, and Section 420.0431, Government Code, as added by this
22 Act, apply only to the comparison of DNA profiles that is performed
23 on or after the effective date of this Act. A comparison of DNA
24 profiles performed before the effective date of this Act is
25 governed by the law in effect on the date the comparison was
26 performed, and the former law is continued in effect for that
27 purpose.

1 SECTION 4. This Act takes effect September 1, 2023.