

BILL ANALYSIS

H.B. 2704
By: Bailey
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Harris County District Attorney's office is in the process of reviewing numerous cases in which DNA evidence testing and examinations were conducted by the Houston Police Department (HPD) crime lab. The results from the reviews have found approximately 65 cases in which DNA evidence testing may be flawed. These cases are scheduled for re-testing. However, this is a small percentage of the cases which may have flawed DNA evidence as processed by the HPD Crime Lab. Whether the problem is with the number of cases referred back to the District Attorney's office for re-review or the fact that the District Attorney's office is reviewing itself, the process being used is not one that instill confidence for the public.

House Bill 2704 sets up a process for the director of the Department Public Safety to supervise any post-conviction review of DNA laboratory evidence in a criminal case, requested by the prosecution and allows the director to employ a third party consultant to conduct the review and allows for a fee to be collected. This will insure that a unbiased review of any post-conviction case can and will be conducted.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 411.144, Government Code, by adding Subsection (I), which requires any post-conviction review of DNA laboratory evidence in a criminal case, requested by the prosecution, to be under the supervision of the director of the Department of Public Safety (director), and the director shall employ a third-party consultant(s).

SECTION 2. Amends Section 411.145, Government Code, to allow the director to collect a reasonable fee for supervising post-conviction reviews as required by Section 411.144(i)

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.