

By: McCall, Raymond, Allen, et al.

H.B. No. 562

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the collection and maintenance of DNA samples taken  
3 from certain offenders.

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

5 SECTION 1. Subchapter G, Chapter 411, Government Code, is  
6 amended by adding Section 411.1481 to read as follows:

7 Sec. 411.1481. DNA RECORDS: CAPITAL MURDER. (a) This  
8 section applies to:

9 (1) an inmate serving a sentence in the institutional  
10 division of the Texas Department of Criminal Justice for an offense  
11 under Section 19.03, Penal Code (capital murder); and

12 (2) a juvenile committed to the Texas Youth Commission  
13 for an adjudication as having engaged in delinquent conduct that  
14 violates Section 19.03, Penal Code (capital murder).

15 (b) The institutional division or the commission, as  
16 appropriate, shall obtain a sample or specimen from an inmate or  
17 juvenile described by Subsection (a) for the purpose of creating a  
18 DNA record and shall perform duties in respect to obtaining,  
19 preserving, maintaining a record of, and sending the sample or  
20 specimen to the director in the same manner as if the sample or  
21 specimen were obtained under Section 411.148.

22 SECTION 2. (a) This Act takes effect on the date on which  
23 the director of the Department of Public Safety certifies to the  
24 governor, the lieutenant governor, and the speaker of the house of

1 representatives that the state has received funds from the federal  
2 government or from other sources in a sufficient amount to pay all  
3 costs to the state associated with taking samples or specimens from  
4 all inmates serving sentences for an offense under Section 19.03,  
5 Penal Code, and all juveniles committed to the Texas Youth  
6 Commission for an adjudication as having engaged in delinquent  
7 conduct that violates Section 19.03, Penal Code, for the purpose of  
8 creating a DNA record under Subchapter G, Chapter 411, Government  
9 Code, as required by this Act.

10 (b) As required by Section 411.1481, Government Code, as  
11 added by this Act, the institutional division of the Texas  
12 Department of Criminal Justice shall collect a blood sample or  
13 other specimen from an inmate serving a sentence for capital murder  
14 from whom a blood sample or other specimen was not required before  
15 the effective date of this Act or from an inmate previously  
16 convicted of capital murder. The division shall collect the sample  
17 or specimen during the diagnostic process, but only from an inmate  
18 who has not completed the diagnostic process before the 120th day  
19 following the effective date of this Act. The division shall  
20 collect the sample or specimen not later than the first anniversary  
21 of the effective date of this Act from an inmate who has completed  
22 the diagnostic process before the 120th day following the effective  
23 date of this Act.

24 (c) As required by Section 411.1481, Government Code, as  
25 added by this Act, the Texas Youth Commission shall collect a blood  
26 sample or other specimen from a juvenile committed to the  
27 commission for capital murder from whom a blood sample or other

1 specimen was not required before the effective date of this Act or  
2 from a juvenile previously committed to the commission for capital  
3 murder. The commission shall collect the sample or specimen during  
4 the initial examination, but only from a juvenile who has not  
5 completed the initial examination before the 120th day following  
6 the effective date of this Act. The commission shall collect the  
7 sample or specimen not later than the first anniversary of the  
8 effective date of this Act or 30 days before the juvenile's  
9 scheduled release or transfer from a facility operated by the  
10 commission, whichever is earlier, from a juvenile who has completed  
11 the initial examination before the 120th day following the  
12 effective date of this Act.