

By: McCall

H.B. No. 562

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 411.148(a), Government Code, as amended by Chapter 211, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) An inmate of the institutional division or other penal institution shall provide one or more blood samples or other specimens taken by or at the request of the institutional division for the purpose of creating a DNA record if the inmate has not already provided the required specimen under other state law and if the inmate is ordered by a court to give the sample or specimen or is serving a sentence for:

(1) an offense:

(A) under Section 19.02, Penal Code (murder), Section 19.03, Penal Code (capital murder), or Section 22.02, Penal Code (aggravated assault);

(B) under Section 30.02, Penal Code (burglary), if the offense is punishable under Subsection (c)(2) or (d) of that section; or

(C) for which the inmate is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(2) any offense if the inmate has previously been

1 convicted of or adjudicated as having engaged in:

2 (A) an offense described in Subsection (a)(1);

3 or

4 (B) an offense under federal law or laws of  
5 another state that involves the same conduct as an offense  
6 described by Subsection (a)(1).

7 SECTION 2. Section 411.150(a), Government Code, is amended  
8 to read as follows:

9 (a) A juvenile who is committed to the Texas Youth  
10 Commission shall provide one or more blood samples or other  
11 specimens taken by or at the request of the commission for the  
12 purpose of creating a DNA record if the juvenile has not already  
13 provided the required specimen under other state law and if the  
14 juvenile is ordered by a juvenile court to give the sample or  
15 specimen or is committed to the commission for an adjudication as  
16 having engaged in delinquent conduct that violates:

17 (1) an offense:

18 (A) under Section 19.02, Penal Code (murder),  
19 Section 19.03, Penal Code (capital murder), or Section 22.02,  
20 Penal Code (aggravated assault);

21 (B) under Section 30.02, Penal Code (burglary),  
22 if the offense is punishable under Subsection (c)(2) or (d) of that  
23 section; or

24 (C) for which the juvenile is required to  
25 register as a sex offender under Chapter 62, Code of Criminal  
26 Procedure; or

27 (2) a penal law if the juvenile has previously been

1 convicted of or adjudicated as having engaged in:

2 (A) a violation of a penal law described in  
3 Subsection (a)(1); or

4 (B) a violation of a penal law under federal law  
5 or the laws of another state that involves the same conduct as a  
6 violation of a penal law described by Subsection (a)(1).

7 SECTION 3. Chapter 1509, Acts of the 77th Legislature,  
8 Regular Session, 2001, is repealed.

9 SECTION 4. (a) This Act takes effect September 1, 2003.

10 (b) The change in law made by this Act applies only to an  
11 inmate who begins serving a sentence in the institutional division  
12 of the Texas Department of Criminal Justice or to a juvenile who is  
13 committed to the Texas Youth Commission on or after September 1,  
14 2003. An inmate who begins serving a sentence or a juvenile who is  
15 committed before September 1, 2003, is covered by the law in effect  
16 when the sentence or commitment began, and the former law is  
17 continued in effect for that purpose.