

1-1 By: McCall, Raymond, Allen, et al. H.B. No. 562
1-2 (Senate Sponsor - Duncan)
1-3 (In the Senate - Received from the House April 2, 2003;
1-4 April 7, 2003, read first time and referred to Committee on
1-5 Criminal Justice; May 21, 2003, reported favorably by the
1-6 following vote: Yeas 6, Nays 0; May 21, 2003, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the collection and maintenance of DNA samples taken
1-10 from certain offenders.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter G, Chapter 411, Government Code, is
1-13 amended by adding Section 411.1481 to read as follows:

1-14 Sec. 411.1481. DNA RECORDS: CAPITAL MURDER. (a) This
1-15 section applies to:

1-16 (1) an inmate serving a sentence in the institutional
1-17 division of the Texas Department of Criminal Justice for an offense
1-18 under Section 19.03, Penal Code (capital murder); and

1-19 (2) a juvenile committed to the Texas Youth Commission
1-20 for an adjudication as having engaged in delinquent conduct that
1-21 violates Section 19.03, Penal Code (capital murder).

1-22 (b) The institutional division or the commission, as
1-23 appropriate, shall obtain a sample or specimen from an inmate or
1-24 juvenile described by Subsection (a) for the purpose of creating a
1-25 DNA record and shall perform duties in respect to obtaining,
1-26 preserving, maintaining a record of, and sending the sample or
1-27 specimen to the director in the same manner as if the sample or
1-28 specimen were obtained under Section 411.148.

1-29 SECTION 2. (a) This Act takes effect on the date on which
1-30 the director of the Department of Public Safety certifies to the
1-31 governor, the lieutenant governor, and the speaker of the house of
1-32 representatives that the state has received funds from the federal
1-33 government or from other sources in a sufficient amount to pay all
1-34 costs to the state associated with taking samples or specimens from
1-35 all inmates serving sentences for an offense under Section 19.03,
1-36 Penal Code, and all juveniles committed to the Texas Youth
1-37 Commission for an adjudication as having engaged in delinquent
1-38 conduct that violates Section 19.03, Penal Code, for the purpose of
1-39 creating a DNA record under Subchapter G, Chapter 411, Government
1-40 Code, as required by this Act.

1-41 (b) As required by Section 411.1481, Government Code, as
1-42 added by this Act, the institutional division of the Texas
1-43 Department of Criminal Justice shall collect a blood sample or
1-44 other specimen from an inmate serving a sentence for capital murder
1-45 from whom a blood sample or other specimen was not required before
1-46 the effective date of this Act or from an inmate previously
1-47 convicted of capital murder. The division shall collect the sample
1-48 or specimen during the diagnostic process, but only from an inmate
1-49 who has not completed the diagnostic process before the 120th day
1-50 following the effective date of this Act. The division shall
1-51 collect the sample or specimen not later than the first anniversary
1-52 of the effective date of this Act from an inmate who has completed
1-53 the diagnostic process before the 120th day following the effective
1-54 date of this Act.

1-55 (c) As required by Section 411.1481, Government Code, as
1-56 added by this Act, the Texas Youth Commission shall collect a blood
1-57 sample or other specimen from a juvenile committed to the
1-58 commission for capital murder from whom a blood sample or other
1-59 specimen was not required before the effective date of this Act or
1-60 from a juvenile previously committed to the commission for capital
1-61 murder. The commission shall collect the sample or specimen during
1-62 the initial examination, but only from a juvenile who has not
1-63 completed the initial examination before the 120th day following
1-64 the effective date of this Act. The commission shall collect the

2-1 sample or specimen not later than the first anniversary of the
2-2 effective date of this Act or 30 days before the juvenile's
2-3 scheduled release or transfer from a facility operated by the
2-4 commission, whichever is earlier, from a juvenile who has completed
2-5 the initial examination before the 120th day following the
2-6 effective date of this Act.

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