

By: Duncan

S.B. No. 680

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for post-conviction DNA testing.

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

SECTION 1. Article 64.03, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) Notwithstanding Subsection (a), the convicting court may order forensic DNA testing on the filing of a motion under this chapter if the court finds that the testing would be in the best interest of justice.

(c) If the convicting court finds in the affirmative the issues listed in Subsection (a)(1) and the convicted person meets the requirements of Subsection (a)(2), or if the convicting court makes a finding under Subsection (a-1), the court shall order that the requested forensic DNA testing be conducted. The court may order the test to be conducted by the Department of Public Safety, by a laboratory operating under a contract with the department, or, on agreement of the parties, by another laboratory.

SECTION 2. The change in law made by this Act applies only to a convicted person who on or after the effective date of this Act submits a motion for forensic DNA testing of evidence under Chapter 64, Code of Criminal Procedure, as amended by this Act. A convicted person who submits a motion under Chapter 64 before the effective date of this Act is covered by the law in effect when the motion was

1 submitted, and the former law is continued in effect for that
2 purpose.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.