

BILL ANALYSIS

H.B. 3295
By: Driver
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

H.B. 1068 and H.B. 1681, passed into law during the 79th Regular Legislative Session in 2005, both amended various sections of Chapter 411 of the Texas Government Code. The purpose of H.B. 3295 is to clarify and make corrections to some of the sections affected.

H.B. 3295 repeals Section 411.150, Texas Government Code and removes references to it from various sections. The authority to collect DNA samples described by Section 411.150 was moved into Section 411.148 by H.B. 1068 in 2005. Therefore, the repeal of Section 411.150 removes what is currently a redundant provision.

H.B. 3295 reenacts Section 411.148, Texas Government Code, relating to Mandatory DNA Records, because the enactment of the provisions of both H.B. 1068 and H.B. 1681 in 2005 resulted in the creation of two valid sections numbered 411.148. The bill further amends reenacted Section 411.148 to incorporate substantive portions of the second currently valid Section 411.148.

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 411.142(g)(1) of the Government Code by deleting the reference to Section 411.150 and adding DNA records for an individual described by Section 411.154, relating to DNA samples obtained through a district court order, to the types of DNA records that may be included in the DNA database.

SECTION 2. Amends Section 411.1471(f) of the Government Code as follows:

- Replaces the term “specimen” with the term “DNA sample”;
- Deletes a reference to Section 411.1472, which has been repealed, and deletes a reference to Section 411.150.

SECTION 3. Amends Section 411.148, Government Code, as follows:

- Reenacts Section 411.148, Government Code, as amended by Chapter 1224 and 1245, Acts of the 79th Legislature, relating to Mandatory DNA Records;
- Amends Section 411.148(a)(1)(A) to delete a reference to Section 411.150;
- Amends Section 411.148(f) to add provisions of the second currently valid Section 411.148, relating to actions against incarcerated individuals for failure to provide a DNA sample and makes conforming and non-substantive changes.

SECTION 4. Amends Section 411.153(b) of the Government Code to add the phrase “to an unauthorized recipient” to clarify that it is an offense to disclose information in a DNA record or related to a DNA analysis only to an unauthorized recipient.

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SECTION 5. Repeals Section 411.150, Government Code.

SECTION 6. Effective date.

EFFECTIVE DATE

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.