

BILL ANALYSIS

Senate Research Center
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H.B. 2932
By: Vaught et al. (Carona)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Methods of collecting and preserving DNA evidence were in place long before the technology existed to analyze it to identify a suspect. New technology has paved the way for a significant number of reexaminations into cold case files for offenses that date back to the 1980s because of the availability of DNA evidence. However, once the statute of limitations has run out for a particular crime, the offender cannot be prosecuted for the crime, even when later evidence, such as preserved DNA evidence, can scientifically link the offender to the crime. The result is a circumstance where the victim and law enforcement may know of an offender's identity without any legal means to hold him or her accountable.

The Department of Public Safety of the State of Texas maintains a computerized criminal history system. This bill would amend Section 60.051(g) by adding to the list of information that may be included in the database DNA test results linking an offender to another offense, if that offender has an arrest or charge for a previous felony or misdemeanor that was not a fine-only offense. This information can then be considered during sentencing, or making a determination to release an offender on parole.

H.B. 2932 amends current law relating to including in the computerized criminal history system certain forensic DNA test results that indicate the person committed another offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 60.051(g), Code of Criminal Procedure, to require that information in the computerized criminal history system, in addition to the information described by Subsections (a)-(f), include certain information including Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) (relating to an offense under this section being a felony of the first degree) of that section and the defendant committed the offense with intent to commit an offense described by Paragraph (B), (C), or (E), rather than Subdivisions (2), (3), or (5); and for a defendant who has been arrested for or charged with a felony or misdemeanor offense, other than a misdemeanor offense, punishable by fine only: a summary of any forensic DNA test results indicating a high likelihood that the defendant committed another offense, regardless of whether the defendant has been or will be arrested for or charged with that offense; and the offense code for that offense. Makes nonsubstantive changes.

SECTION 2. Amends Section 411.082(2), Government Code, to redefine "criminal history record information."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.