

BILL ANALYSIS

C.S.H.B. 2932
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Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, an offender cannot be prosecuted in a sexual assault case for which the statute of limitations has expired, despite the fact that the offender may later be identified through DNA testing. For years, the Dallas Police Department has been one of only a few law enforcement agencies in the United States to preserve DNA from every case where DNA was discovered through a rape kit. The evidence collected by this police department dates back to the 1980s. With that evidence in place at the Southwestern Institute of Forensic Sciences lab located in Dallas, there are many cold cases that may now be solved because of scientific progress made in identifying individuals through DNA evidence. To help solve these cases and to make clear connections between DNA evidence from older unsolved sexual assault cases and current DNA samples on file with the Department of Public Safety, a new type of notation in existing criminal history records is necessary.

C.S.H.B. 2932 requires a summary of any forensic DNA testing indicating a high likelihood that a defendant committed another offense, regardless of whether the defendant has been or will be charged or arrested for that offense, and the offense code for that offense to be included in the computerized criminal history system.

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

C.S.H.B. 2932 amends the Code of Criminal Procedure to add to the list of information relating to an offender that is required to be included in the computerized criminal history system, for a defendant who has been arrested for or charged with any 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.

C.S.H.B. 2932 amends the Government Code to redefine the term "criminal history record information" to include information collected about a person by a criminal justice agency that consists of information summarizing any forensic DNA test results indicating a high likelihood that the person committed another offense, if required to be included in the computerized criminal history system. The bill specifies that the term does not include DNA or fingerprint records, to the extent that the identification information does not indicate involvement of the person in the criminal justice system or the commission of another offense. The bill makes its provisions applicable to the inclusion of a summary of forensic DNA test results in the computerized criminal history system on or after the effective date of the bill, regardless of whether the test results were obtained before, on, or after that date.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2932 differs from the original by making its provisions applicable to the inclusion of a summary of forensic DNA test results in the computerized criminal history system, on or after the effective date of the bill, regardless of whether the test results were obtained before, on, or after that date, whereas the original makes its provisions applicable to an entry made in the computerized criminal history system on or after the effective date of the bill.