

By: Vaught, Kent, Pierson, Miklos, Fletcher,  
et al.

H.B. No. 2932

A BILL TO BE ENTITLED

1 AN ACT

2 relating to including in the computerized criminal history system  
3 certain forensic DNA test results that indicate the person  
4 committed another offense.

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

6 SECTION 1. Article 60.051(g), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (g) In addition to the information described by Subsections  
9 (a)-(f), information in the computerized criminal history system  
10 must include:

11 (1) the age of the victim of the offense if the  
12 defendant was arrested for or charged with an offense under:

13 (A) [~~(1)~~] Section 21.02 (Continuous sexual abuse  
14 of young child or children), Penal Code;

15 (B) [~~(2)~~] Section 21.11 (Indecency with a  
16 child), Penal Code;

17 (C) [~~(3)~~] Section 22.011 (Sexual assault) or  
18 22.021 (Aggravated sexual assault), Penal Code;

19 (D) [~~(4)~~] Section 43.25 (Sexual performance by a  
20 child), Penal Code;

21 (E) [~~(5)~~] Section 20.04(a)(4) (Aggravated  
22 kidnapping), Penal Code, if the defendant committed the offense  
23 with intent to violate or abuse the victim sexually; or

24 (F) [~~(6)~~] Section 30.02 (Burglary), Penal Code,

1 if the offense is punishable under Subsection (d) of that section  
2 and the defendant committed the offense with intent to commit an  
3 offense described by Paragraph (B), (C), or (E); and

4 (2) for a defendant who has been arrested for or  
5 charged with any felony or misdemeanor offense, other than a  
6 misdemeanor offense punishable by fine only:

7 (A) a summary of any forensic DNA test results  
8 indicating a high likelihood that the defendant committed another  
9 offense, regardless of whether the defendant has been or will be  
10 arrested for or charged with that offense; and

11 (B) the offense code for that offense  
12 [~~Subdivision (2), (3), or (5)~~].

13 SECTION 2. Section 411.082(2), Government Code, is amended  
14 to read as follows:

15 (2) "Criminal history record information" means  
16 information collected about a person by a criminal justice agency  
17 that consists of identifiable descriptions and notations of  
18 arrests, detentions, indictments, informations, and other formal  
19 criminal charges and their dispositions and, if required by Article  
20 60.051(g)(2), Code of Criminal Procedure, information summarizing  
21 any forensic DNA test results indicating a high likelihood that the  
22 person committed another offense. The term does not include:

23 (A) identification information, including DNA or  
24 fingerprint records, to the extent that the identification  
25 information does not indicate involvement of the person in the  
26 criminal justice system or, as described by this subdivision, the  
27 commission of another offense; or

1                   (B) driving record information maintained by the  
2 department under Subchapter C, Chapter 521, Transportation Code.

3           SECTION 3. The change in law made by this Act in amending  
4 Article 60.051(g), Code of Criminal Procedure, and Section  
5 411.082(2), Government Code, applies only to the inclusion in the  
6 computerized criminal history system, on or after the effective  
7 date of this Act, of a summary of forensic DNA test results,  
8 regardless of whether the test results were obtained before, on, or  
9 after that date. An entry made in the computerized criminal history  
10 system before the effective date of this Act is covered by the law  
11 in effect on the date the entry was made, and the former law is  
12 continued in effect for that purpose.

13           SECTION 4. This Act takes effect September 1, 2009.