

1 AN ACT

2 relating to including in the law enforcement information system
3 information indicating that criminal defendants have committed
4 certain additional offenses.

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

6 SECTION 1. Chapter 411, Government Code, is amended by
7 adding Subchapter D-1 to read as follows:

8 SUBCHAPTER D-1. CENTRAL INDEX OF CERTAIN ADDITIONAL OFFENSES

9 SUSPECTED TO HAVE BEEN COMMITTED BY CRIMINAL DEFENDANTS

10 Sec. 411.0601. DEFINITION. In this subchapter, "criminal
11 justice agency" has the meaning assigned by Article 60.01, Code of
12 Criminal Procedure.

13 Sec. 411.0602. ESTABLISHMENT OF CENTRAL INDEX; ENTRY OF
14 INFORMATION. (a) In the law enforcement information system
15 maintained by the department, the bureau of identification and
16 records shall establish and maintain a central index to collect and
17 disseminate information regarding additional offenses that
18 forensic DNA test results indicate may have been committed by a
19 defendant who has been arrested for or charged with any felony or
20 misdemeanor offense, other than a misdemeanor offense punishable by
21 fine only.

22 (b) Information relating to a defendant described by
23 Subsection (a) may be entered in the central index only if the
24 information is based on forensic DNA test results indicating that

1 the DNA profile of the defendant cannot be excluded as a donor to
2 the DNA profile of a person suspected to have committed an offense,
3 regardless of whether the defendant has been or will be arrested for
4 or charged with that offense. The information must be:

5 (1) submitted in the form of an affidavit signed by a
6 representative of an investigating criminal justice agency and
7 approved by a district judge; and

8 (2) accompanied by a set of the defendant's
9 fingerprints.

10 Sec. 411.0603. CONFIDENTIALITY AND DISSEMINATION OF
11 INFORMATION IN CENTRAL INDEX. (a) Information maintained by the
12 department in the central index established under this subchapter
13 is confidential. The department may not disseminate the
14 information except as otherwise provided by this section.

15 (b) On proper inquiry, the department shall disseminate to a
16 criminal justice agency the information collected under Section
17 411.0602. The criminal justice agency may disseminate the
18 information to any other criminal justice agency if the
19 dissemination of that information is for a criminal justice
20 purpose.

21 (c) A criminal justice agency or an employee of a criminal
22 justice agency is not liable for an act or omission relating to the
23 collection, use, or dissemination of information collected under
24 Section 411.0602 if that collection, use, or dissemination is
25 performed in accordance with rules adopted by the director.

26 Sec. 411.0604. RULES. The director shall adopt rules to
27 implement and enforce this subchapter.

1 Sec. 411.0605. RIGHT TO REQUEST NOTICE OF ENTRY IN CENTRAL
2 INDEX. (a) A defendant described by Section 411.0602(a) may submit
3 to the bureau of identification and records a request to determine
4 whether the bureau has entered information relating to the
5 defendant in the central index established under Section 411.0602.
6 The bureau shall respond to the request not later than the 10th
7 business day after the date the bureau receives the request.

8 (b) Before responding to a request under Subsection (a), the
9 bureau may require reasonable written verification of the identity
10 of the defendant submitting the request, including written
11 verification of an address, date of birth, driver's license number,
12 state identification card number, or social security number.

13 Sec. 411.0606. RIGHT TO REQUEST REVIEW OF ENTRY IN CENTRAL
14 INDEX. (a) On receipt by the bureau of identification and records
15 of a written request that is submitted by a defendant described by
16 Section 411.0602(a), that is accompanied by a set of the
17 defendant's fingerprints, and that alleges that the bureau may have
18 entered inaccurate information relating to the defendant in the
19 central index established under Section 411.0602, the head of the
20 bureau or that person's designee and the head of the department's
21 crime laboratory in Austin each shall review the information to
22 determine whether there is a high likelihood that the information
23 is accurate.

24 (b) If after review the head of the bureau or that person's
25 designee or the head of the department's crime laboratory in Austin
26 determines there is not a high likelihood that the information
27 relating to the defendant is accurate, the bureau shall:

1 (1) promptly remove that information from the central
2 index; and

3 (2) notify other appropriate divisions of the
4 department, the investigating criminal justice agency, and the
5 defendant of the bureau's determination and the removal of the
6 information.

7 (c) If after review the head of the bureau or that person's
8 designee and the head of the department's crime laboratory in
9 Austin jointly determine there is a high likelihood that the
10 information relating to the defendant is accurate, the bureau shall
11 notify the defendant of that determination.

12 SECTION 2. (a) Not later than December 1, 2009, the public
13 safety director of the Department of Public Safety of the State of
14 Texas shall adopt the rules required by Section 411.0604,
15 Government Code, as added by this Act.

16 (b) The change in law made by this Act in adding Subchapter
17 D-1, Chapter 411, Government Code, applies to the inclusion of
18 forensic DNA test results in the central index required to be
19 established under that subchapter, regardless of whether the test
20 results were obtained before, on, or after the effective date of
21 this Act.

22 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2932 was passed by the House on April 28, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2932 on May 29, 2009, by the following vote: Yeas 141, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2932 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor