

1-1 By: Vaught, et al. (Senate Sponsor - Carona) H.B. No. 2932  
1-2 (In the Senate - Received from the House April 29, 2009;  
1-3 May 1, 2009, read first time and referred to Committee on Criminal  
1-4 Justice; May 21, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
1-6 May 21, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2932 By: Whitmire

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to including in the law enforcement information system  
1-11 information indicating that criminal defendants have committed  
1-12 certain additional offenses.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 411, Government Code, is amended by  
1-15 adding Subchapter D-1 to read as follows:

1-16 SUBCHAPTER D-1. CENTRAL INDEX OF CERTAIN ADDITIONAL OFFENSES  
1-17 SUSPECTED TO HAVE BEEN COMMITTED BY CRIMINAL DEFENDANTS

1-18 Sec. 411.0601. DEFINITION. In this subchapter, "criminal  
1-19 justice agency" has the meaning assigned by Article 60.01, Code of  
1-20 Criminal Procedure.

1-21 Sec. 411.0602. ESTABLISHMENT OF CENTRAL INDEX; ENTRY OF  
1-22 INFORMATION. (a) In the law enforcement information system  
1-23 maintained by the department, the bureau of identification and  
1-24 records shall establish and maintain a central index to collect and  
1-25 disseminate information regarding additional offenses that  
1-26 forensic DNA test results indicate may have been committed by a  
1-27 defendant who has been arrested for or charged with any felony or  
1-28 misdemeanor offense, other than a misdemeanor offense punishable by  
1-29 fine only.

1-30 (b) Information relating to a defendant described by  
1-31 Subsection (a) may be entered in the central index only if the  
1-32 information is based on forensic DNA test results indicating that  
1-33 the DNA profile of the defendant cannot be excluded as a donor to  
1-34 the DNA profile of a person suspected to have committed an offense,  
1-35 regardless of whether the defendant has been or will be arrested for  
1-36 or charged with that offense. The information must be:

1-37 (1) submitted in the form of an affidavit signed by a  
1-38 representative of an investigating criminal justice agency and  
1-39 approved by a district judge; and

1-40 (2) accompanied by a set of the defendant's  
1-41 fingerprints.

1-42 Sec. 411.0603. CONFIDENTIALITY AND DISSEMINATION OF  
1-43 INFORMATION IN CENTRAL INDEX. (a) Information maintained by the  
1-44 department in the central index established under this subchapter  
1-45 is confidential. The department may not disseminate the  
1-46 information except as otherwise provided by this section.

1-47 (b) On proper inquiry, the department shall disseminate to a  
1-48 criminal justice agency the information collected under Section  
1-49 411.0602. The criminal justice agency may disseminate the  
1-50 information to any other criminal justice agency if the  
1-51 dissemination of that information is for a criminal justice  
1-52 purpose.

1-53 (c) A criminal justice agency or an employee of a criminal  
1-54 justice agency is not liable for an act or omission relating to the  
1-55 collection, use, or dissemination of information collected under  
1-56 Section 411.0602 if that collection, use, or dissemination is  
1-57 performed in accordance with rules adopted by the director.

1-58 Sec. 411.0604. RULES. The director shall adopt rules to  
1-59 implement and enforce this subchapter.

1-60 Sec. 411.0605. RIGHT TO REQUEST NOTICE OF ENTRY IN CENTRAL  
1-61 INDEX. (a) A defendant described by Section 411.0602(a) may submit  
1-62 to the bureau of identification and records a request to determine  
1-63 whether the bureau has entered information relating to the

2-1 defendant in the central index established under Section 411.0602.  
2-2 The bureau shall respond to the request not later than the 10th  
2-3 business day after the date the bureau receives the request.

2-4 (b) Before responding to a request under Subsection (a), the  
2-5 bureau may require reasonable written verification of the identity  
2-6 of the defendant submitting the request, including written  
2-7 verification of an address, date of birth, driver's license number,  
2-8 state identification card number, or social security number.

2-9 Sec. 411.0606. RIGHT TO REQUEST REVIEW OF ENTRY IN CENTRAL  
2-10 INDEX. (a) On receipt by the bureau of identification and records  
2-11 of a written request that is submitted by a defendant described by  
2-12 Section 411.0602(a), that is accompanied by a set of the  
2-13 defendant's fingerprints, and that alleges that the bureau may have  
2-14 entered inaccurate information relating to the defendant in the  
2-15 central index established under Section 411.0602, the head of the  
2-16 bureau or that person's designee and the head of the department's  
2-17 crime laboratory in Austin each shall review the information to  
2-18 determine whether there is a high likelihood that the information  
2-19 is accurate.

2-20 (b) If after review the head of the bureau or that person's  
2-21 designee or the head of the department's crime laboratory in Austin  
2-22 determines there is not a high likelihood that the information  
2-23 relating to the defendant is accurate, the bureau shall:

2-24 (1) promptly remove that information from the central  
2-25 index; and

2-26 (2) notify other appropriate divisions of the  
2-27 department, the investigating criminal justice agency, and the  
2-28 defendant of the bureau's determination and the removal of the  
2-29 information.

2-30 (c) If after review the head of the bureau or that person's  
2-31 designee and the head of the department's crime laboratory in  
2-32 Austin jointly determine there is a high likelihood that the  
2-33 information relating to the defendant is accurate, the bureau shall  
2-34 notify the defendant of that determination.

2-35 SECTION 2. (a) Not later than December 1, 2009, the public  
2-36 safety director of the Department of Public Safety of the State of  
2-37 Texas shall adopt the rules required by Section 411.0604,  
2-38 Government Code, as added by this Act.

2-39 (b) The change in law made by this Act in adding Subchapter  
2-40 D-1, Chapter 411, Government Code, applies to the inclusion of  
2-41 forensic DNA test results in the central index required to be  
2-42 established under that subchapter, regardless of whether the test  
2-43 results were obtained before, on, or after the effective date of  
2-44 this Act.

2-45 SECTION 3. This Act takes effect September 1, 2009.

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