

By: Carona

S.B. No. 1558

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 an entry made in the
6 computerized criminal history system on or after the effective date
7 of this Act. An entry made in the computerized criminal history
8 system before the effective date of this Act is covered by the law
9 in effect on the date the entry was made, and the former law is
10 continued in effect for that purpose.

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