

BILL ANALYSIS

Senate Research Center
82R15470 NAJ-F

H.B. 2385
By: Geren (Harris)
Criminal Justice
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 77th Legislature, legislation was passed that created the University of North Texas Health Science Center at Fort Worth (UNTHSC) Missing Persons DNA Database (database).

UNTHSC database has the expertise to directly upload forensic cases into the Combined DNA Index System (CODIS) once permission is granted by the Federal Bureau of Investigation (FBI). A modification to the language in Articles 36.051 and 63.052, Code of Criminal Procedure, will provide the language that the FBI says is absolutely necessary for complete access to CODIS. UNTHSC database will have the ability to directly upload DNA profiles from both forensic criminal cases as well as missing persons and unidentified human remain cases directly into CODIS. Currently, UNTHSC database only has the ability to directly upload missing persons and identified human remain cases.

These changes will be at no cost to the State of Texas and will enable UNTHSC database to receive ongoing funds from the United States Department of Justice and the National Institute of Justice, and to continue to provide free forensic DNA analysis for agencies throughout Texas.

H.B. 2385 amends current law relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 63, Code of Criminal Procedure, by adding Article 63.0515, as follows:

Art. 63.0515. CRIMINAL JUSTICE AGENCY. Provides that for purposes of this subchapter, the University of North Texas Health Science Center at Fort Worth (UNTHSC) is a criminal justice agency that performs forensic DNA analyses on evidence, including evidence related to a case involving unidentified human remains or a high-risk missing person. Requires UNTHSC to comply with 42 U.S.C. Section 14132.

SECTION 2. Amends Article 63.052(b), Code of Criminal Procedure, to authorize the DNA database for missing or unidentified persons (database) to be used to identify unidentified human remains and high-risk missing persons, rather than provides that the sole purpose of the database is to identify unidentified human remains and high-risk missing persons.

SECTION 3. Repealer: Article 63.052(c) (relating to providing that the database is separate from the database established by the Department of Public Safety under Subchapter G (DNA Database System), Chapter 411 (Department of Public Safety of the State of Texas), Government Code), Code of Criminal Procedure.

SECTION 4. Effective date: upon passage or September 1, 2011.