

## **BILL ANALYSIS**

C.S.H.B. 2385  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Legislation enacted within the past decade established the Texas missing persons DNA database at the University of North Texas Health Science Center at Fort Worth, which offers services necessary to process and analyze samples of unidentified human remains and any samples associated with high-risk missing persons cases throughout Texas. Legislation enacted more recently moved the statutory language establishing the center from the Education Code to the Code of Criminal Procedure so that the center could directly upload forensic cases into the FBI's Combined DNA Index System (CODIS), but the FBI apparently has interpreted the language in the Code of Criminal Procedure as giving the center only local access to CODIS for missing persons cases and not for the local entry of DNA profiles derived from other forensic criminal cases.

C.S.H.B. 2385 seeks to provide the center the ability to directly upload DNA profiles from forensic criminal cases as well as missing persons and unidentified human remains cases directly into local CODIS databases.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2385 amends the Code of Criminal Procedure to designate the University of North Texas Health Science Center at Fort Worth as 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, for purposes of statutory provisions relating to the center's missing persons DNA database, and to require the center to comply with federal law relating to the index of DNA identification records established by the FBI. The bill removes the restriction limiting the purpose of the center's DNA database to the identification of unidentified human remains and high-risk missing persons.

C.S.H.B. 2385 repeals Article 63.052(c), Code of Criminal Procedure, which establishes the center's DNA database as separate from the computerized DNA database established by the Department of Public Safety to assist a federal, state, or local criminal justice agency in the investigation or prosecution of sex-related offenses or other offenses in which biological evidence is recovered.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2385 contains a provision not included in the original specifying that the University of North Texas Health Science Center at Fort Worth, in its capacity as a criminal justice agency, performs forensic DNA analyses on evidence, including evidence related to a case involving unidentified human remains or a high-risk missing person.