

By: Eiland

H.B. No. 1536

A BILL TO BE ENTITLED

AN ACT

relating to the creation of DNA records for the DNA database system.

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

SECTION 1. The heading to Section 411.1471, Government Code, is amended to read as follows:

Sec. 411.1471. DNA RECORDS OF PERSONS CHARGED WITH OR CONVICTED OF CERTAIN OFFENSES [~~FELONIES~~].

SECTION 2. Sections 411.1471(a) and (f), Government Code, are amended to read as follows:

(a) This section applies to a defendant who is:

(1) indicted or waives indictment for a felony prohibited or punishable under any of the following Penal Code sections:

(A) Section 20.04(a)(4);

(B) Section 21.11;

(C) Section 22.011;

(D) Section 22.021;

(E) Section 25.02;

(F) Section 30.02(d);

(G) Section 43.05;

(H) Section 43.25;

(I) Section 43.26; or

(J) Section 21.02;

(2) arrested for any offense punishable as a Class B

1 misdemeanor or any higher category of offense [~~a felony described~~
2 ~~by Subdivision (1) after having been previously convicted of or~~
3 ~~placed on deferred adjudication for an offense described by~~
4 ~~Subdivision (1) or an offense punishable under Section 30.02(c)(2),~~
5 ~~Penal Code~~]; or

6 (3) convicted of or placed on deferred adjudication
7 for an offense under Section 21.07 or 21.08, Penal Code.

8 (f) A defendant who provides a DNA sample under this section
9 is not required to provide a DNA sample under Section 411.148 unless
10 an attorney representing the state [~~in the prosecution of felony~~
11 ~~offenses~~] establishes to the satisfaction of the director that the
12 interests of justice or public safety require that the defendant
13 provide additional samples.

14 SECTION 3. The change in law made by this Act applies only
15 to a person arrested for an offense committed on or after the
16 effective date of this Act. A person arrested for an offense
17 committed before the effective date of this Act is covered by the
18 law in effect when the offense was committed, and the former law is
19 continued in effect for that purpose. For purposes of this section,
20 an offense was committed before the effective date of this Act if
21 any element of the offense occurred before that date.

22 SECTION 4. This Act takes effect September 1, 2011.