

BILL ANALYSIS

S.B. 487
By: Ellis
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that current law allows for post-conviction DNA testing in criminal cases under certain conditions to ensure a more reliable and accurate justice system. Unfortunately, recent court decisions have strictly interpreted statutory language to require proof that biological evidence exists before a judge can allow testing to see if exculpatory biological evidence exists. The parties express concern that this new interpretation severely restricts a judge's ability to order DNA testing, even when the defendant has shown that the evidence in question is likely to contain biological material, which in turn prevents the discovery of exonerations in cases where exculpatory evidence is often microscopic. The goal of S.B. 487 is to ensure that Texas judges can properly allow post-conviction DNA testing in appropriate cases so that the state has a more accurate, reliable, and transparent justice system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 487 amends the Code of Criminal Procedure to change the type of evidence for which a convicted person is authorized to submit to the convicting court a motion for forensic DNA testing from evidence containing biological material to evidence that has a reasonable likelihood of containing biological material. The bill adds to the conditions on the authority of a convicting court to order forensic DNA testing of evidence the condition that the court finds there is a reasonable likelihood that the evidence contains biological material suitable for DNA testing.

EFFECTIVE DATE

September 1, 2015.