

By: Perry

S.B. No. 725

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of DNA records for the DNA database system.

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

4 SECTION 1. Articles 102.020(a) and (h-1), Code of Criminal  
5 Procedure, are amended to read as follows:

6 (a) A person shall pay as a cost of court:

7 (1) \$250 on conviction of an offense listed in Section  
8 411.1471(a)(1), Government Code;

9 (2) \$50 on conviction of an offense described by  
10 [~~listed in~~] Section 411.1471(a)(3), Government Code, other than an  
11 offense described by Subdivision (1) of this subsection [~~of that~~  
12 code]; or

13 (3) \$34 on placement of the person on:

14 (A) community supervision, including deferred  
15 adjudication community supervision, if the person is required to  
16 submit a DNA sample under Section 11(j), Article 42.12; or

17 (B) deferred adjudication community supervision  
18 for an offense described by Section 411.1471(a)(4), Government  
19 Code.

20 (h-1) The clerk of the court shall transfer to the  
21 comptroller any funds received under Subsection (a)(2) or (3)  
22 [~~(a)(3)~~]. The comptroller shall credit the funds to the Department  
23 of Public Safety to help defray the cost of collecting or analyzing  
24 [~~any analyses performed on~~] DNA samples provided by defendants who

1 are required to pay a court cost under this article.

2 SECTION 2. Section 102.021, Government Code, is amended to  
3 read as follows:

4 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL  
5 PROCEDURE. A person convicted of an offense shall pay the  
6 following under the Code of Criminal Procedure, in addition to all  
7 other costs:

8 (1) court cost on conviction of any offense, other  
9 than a conviction of an offense relating to a pedestrian or the  
10 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
11 Procedure) . . . . . \$4;

12 (2) a fee for services of prosecutor (Art. 102.008,  
13 Code of Criminal Procedure) . . . . . \$25;

14 (3) fees for services of peace officer:

15 (A) issuing a written notice to appear in court  
16 for certain violations (Art. 102.011, Code of Criminal  
17 Procedure) . . . . . \$5;

18 (B) executing or processing an issued arrest  
19 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal  
20 Procedure) . . . . . \$50;

21 (C) summoning a witness (Art. 102.011, Code of  
22 Criminal Procedure) . . . . . \$5;

23 (D) serving a writ not otherwise listed (Art.  
24 102.011, Code of Criminal Procedure) . . . . . \$35;

25 (E) taking and approving a bond and, if  
26 necessary, returning the bond to courthouse (Art. 102.011, Code of  
27 Criminal Procedure) . . . . . \$10;

- 1           (F) commitment or release (Art. 102.011, Code of  
2 Criminal Procedure) . . . . . \$5;
- 3           (G) summoning a jury (Art. 102.011, Code of  
4 Criminal Procedure) . . . . . \$5;
- 5           (H) attendance of a prisoner in habeas corpus  
6 case if prisoner has been remanded to custody or held to bail (Art.  
7 102.011, Code of Criminal Procedure) . . . . . \$8 each day;
- 8           (I) mileage for certain services performed (Art.  
9 102.011, Code of Criminal Procedure) . . . . . \$0.29 per mile; and
- 10          (J) services of a sheriff or constable who serves  
11 process and attends examining trial in certain cases (Art. 102.011,  
12 Code of Criminal Procedure) . . . . . not to exceed \$5;
- 13          (4) services of a peace officer in conveying a  
14 witness outside the county (Art. 102.011, Code of  
15 Criminal Procedure) . . . \$10 per day or part of a day, plus  
16 actual necessary travel expenses;
- 17          (5) overtime of peace officer for time spent  
18 testifying in the trial or traveling to or from testifying in the  
19 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- 20          (6) court costs on an offense relating to rules of the  
21 road, when offense occurs within a school crossing zone (Art.  
22 102.014, Code of Criminal Procedure) . . . . . \$25;
- 23          (7) court costs on an offense of passing a school bus  
24 (Art. 102.014, Code of Criminal Procedure) . . . . . \$25;
- 25          (8) court costs on an offense of truancy or  
26 contributing to truancy (Art. 102.014, Code of Criminal  
27 Procedure) . . . . . \$20;

- 1           (9) cost for visual recording of intoxication  
2 arrest before conviction (Art. 102.018, Code of Criminal  
3 Procedure) . . . . . \$15;
- 4           (10) cost of certain evaluations (Art. 102.018, Code  
5 of Criminal Procedure) . . . . . actual cost;
- 6           (11) additional costs attendant to certain  
7 intoxication convictions under Chapter 49, Penal Code, for  
8 emergency medical services, trauma facilities, and trauma care  
9 systems (Art. 102.0185, Code of Criminal Procedure) . . . . . \$100;
- 10          (12) additional costs attendant to certain child  
11 sexual assault and related convictions, for child abuse  
12 prevention programs (Art. 102.0186, Code of Criminal  
13 Procedure) . . . . . \$100;
- 14          (13) court cost for DNA testing for certain felonies  
15 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . . . \$250;
- 16          (14) court cost for DNA testing for certain  
17 misdemeanors and felonies [~~the offense of public lewdness or~~  
18 ~~indecent exposure~~] (Art. 102.020(a)(2), Code of Criminal  
19 Procedure) . . . . . \$50;
- 20          (15) court cost for DNA testing for certain  
21 misdemeanors and felonies (Art. 102.020(a)(3), Code of Criminal  
22 Procedure) . . . . . \$34;
- 23          (16) if required by the court, a restitution fee for  
24 costs incurred in collecting restitution installments and for the  
25 compensation to victims of crime fund (Art. 42.037, Code of  
26 Criminal Procedure) . . . . . \$12;
- 27          (17) if directed by the justice of the peace or

1 municipal court judge hearing the case, court costs on  
2 conviction in a criminal action (Art. 45.041, Code of  
3 Criminal Procedure) . . . part or all of the costs as directed by  
4 the judge; and

5 (18) costs attendant to convictions under Chapter 49,  
6 Penal Code, and under Chapter 481, Health and Safety Code, to help  
7 fund drug court programs established under Chapter 122, 123, 124,  
8 or 125, Government Code, or former law (Art. 102.0178, Code of  
9 Criminal Procedure) . . . \$60.

10 SECTION 3. Section 411.142(c), Government Code, is amended  
11 to read as follows:

12 (c) The director may receive, analyze, store, and destroy a  
13 DNA record or DNA sample for the purposes described by Section  
14 411.143. If a DNA sample was collected solely for the purpose of  
15 creating a DNA record, the director shall destroy the sample  
16 immediately after any test results associated with the sample are  
17 entered into the DNA database and the CODIS database.

18 SECTION 4. The heading to Section 411.1471, Government  
19 Code, is amended to read as follows:

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

22 SECTION 5. Sections 411.1471(a), (b), and (f), Government  
23 Code, are amended to read as follows:

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

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

- 1 (A) Section 20.04(a)(4);
- 2 (B) Section 21.11;
- 3 (C) Section 22.011;
- 4 (D) Section 22.021;
- 5 (E) Section 25.02;
- 6 (F) Section 30.02(d);
- 7 (G) Section 43.05;
- 8 (H) Section 43.25;
- 9 (I) Section 43.26;
- 10 (J) Section 21.02; or
- 11 (K) Section 20A.03;

12 (2) arrested for a felony described by Subdivision (1)  
13 after having been previously convicted of or placed on deferred  
14 adjudication for an offense described by Subdivision (1) or an  
15 offense punishable under Section 30.02(c)(2), Penal Code; ~~or~~

16 (3) convicted of an offense under Title 5, Penal Code,  
17 other than an offense described by Subdivision (1), that is  
18 punishable as a Class B misdemeanor or any higher category of  
19 offense; or

20 (4) placed on deferred adjudication for an offense  
21 under Section 21.07 or 21.08, Penal Code.

22 (b) After a defendant described by Subsection (a)(1) is  
23 indicted or waives indictment, the court in which the case is  
24 pending shall require the defendant to provide to a law enforcement  
25 agency one or more specimens for the purpose of creating a DNA  
26 record. A law enforcement agency arresting a defendant described  
27 by Subsection (a)(2), immediately after fingerprinting the

1 defendant and at the same location as the fingerprinting occurs,  
2 shall require the defendant to provide one or more specimens for the  
3 purpose of creating a DNA record. After a defendant described by  
4 Subsection (a)(3) or (4) is convicted or placed on deferred  
5 adjudication, as applicable, the court shall require the defendant  
6 to provide to a law enforcement agency one or more specimens for the  
7 purpose of creating a DNA record.

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 6. The change in law made by this Act in amending  
15 Article 102.020, Code of Criminal Procedure, and Section 411.1471,  
16 Government Code, applies only to an offense committed on or after  
17 the effective date of this Act. An offense committed before the  
18 effective date of this Act is governed by the law in effect at the  
19 time the offense was committed, and the former law is continued in  
20 effect for that purpose. For purposes of this section, an offense  
21 was committed before the effective date of this Act if any element  
22 of the offense occurred before that date.

23 SECTION 7. This Act takes effect September 1, 2015.