

1-1 By: Perry S.B. No. 725
 1-2 (In the Senate - Filed February 24, 2015; March 2, 2015,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 8, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 8, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 725 By: Perry

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of DNA records for the DNA database system.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Articles 102.020(a) and (h-1), Code of Criminal
 1-22 Procedure, are amended to read as follows:
 1-23 (a) A person shall pay as a cost of court:
 1-24 (1) \$250 on conviction of an offense listed in Section
 1-25 411.1471(a)(1), Government Code;
 1-26 (2) \$50 on conviction of an offense described by
 1-27 [~~listed in~~] Section 411.1471(a)(3), Government Code, other than an
 1-28 offense described by Subdivision (1) of this subsection [~~of that~~
 1-29 ~~code~~]; or
 1-30 (3) \$34 on placement of the person on:
 1-31 (A) community supervision, including deferred
 1-32 adjudication community supervision, if the person is required to
 1-33 submit a DNA sample under Section 11(j), Article 42.12; or
 1-34 (B) deferred adjudication community supervision
 1-35 for an offense described by Section 411.1471(a)(4), Government
 1-36 Code.
 1-37 (h-1) The clerk of the court shall transfer to the
 1-38 comptroller any funds received under Subsection (a)(2) or (3)
 1-39 [~~(a)(3)~~]. The comptroller shall credit the funds to the Department
 1-40 of Public Safety to help defray the cost of collecting or analyzing
 1-41 [~~any analyses performed on~~] DNA samples provided by defendants who
 1-42 are required to pay a court cost under this article.
 1-43 SECTION 2. Section 102.021, Government Code, is amended to
 1-44 read as follows:
 1-45 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
 1-46 PROCEDURE. A person convicted of an offense shall pay the following
 1-47 under the Code of Criminal Procedure, in addition to all other
 1-48 costs:
 1-49 (1) court cost on conviction of any offense, other
 1-50 than a conviction of an offense relating to a pedestrian or the
 1-51 parking of a motor vehicle (Art. 102.0045, Code of Criminal
 1-52 Procedure) \$4;
 1-53 (2) a fee for services of prosecutor (Art. 102.008,
 1-54 Code of Criminal Procedure) \$25;
 1-55 (3) fees for services of peace officer:
 1-56 (A) issuing a written notice to appear in court
 1-57 for certain violations (Art. 102.011, Code of Criminal
 1-58 Procedure) \$5;
 1-59 (B) executing or processing an issued arrest
 1-60 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal

2-1 Procedure) \$50;

2-2 (C) summoning a witness (Art. 102.011, Code of

2-3 Criminal Procedure) \$5;

2-4 (D) serving a writ not otherwise listed (Art.

2-5 102.011, Code of Criminal Procedure) \$35;

2-6 (E) taking and approving a bond and, if

2-7 necessary, returning the bond to courthouse (Art. 102.011, Code of

2-8 Criminal Procedure) \$10;

2-9 (F) commitment or release (Art. 102.011, Code of

2-10 Criminal Procedure) \$5;

2-11 (G) summoning a jury (Art. 102.011, Code of

2-12 Criminal Procedure) \$5;

2-13 (H) attendance of a prisoner in habeas corpus

2-14 case if prisoner has been remanded to custody or held to bail (Art.

2-15 102.011, Code of Criminal Procedure) \$8 each day;

2-16 (I) mileage for certain services performed (Art.

2-17 102.011, Code of Criminal Procedure) \$0.29 per mile; and

2-18 (J) services of a sheriff or constable who serves

2-19 process and attends examining trial in certain cases (Art. 102.011,

2-20 Code of Criminal Procedure) not to exceed \$5;

2-21 (4) services of a peace officer in conveying a witness

2-22 outside the county (Art. 102.011, Code of Criminal Procedure) . . .

2-23 \$10 per day or part of a day, plus actual necessary travel expenses;

2-24 (5) overtime of peace officer for time spent

2-25 testifying in the trial or traveling to or from testifying in the

2-26 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

2-27 (6) court costs on an offense relating to rules of the

2-28 road, when offense occurs within a school crossing zone (Art.

2-29 102.014, Code of Criminal Procedure) \$25;

2-30 (7) court costs on an offense of passing a school bus

2-31 (Art. 102.014, Code of Criminal Procedure) \$25;

2-32 (8) court costs on an offense of truancy or

2-33 contributing to truancy (Art. 102.014, Code of Criminal

2-34 Procedure) \$20;

2-35 (9) cost for visual recording of intoxication arrest

2-36 before conviction (Art. 102.018, Code of Criminal Procedure) . \$15;

2-37 (10) cost of certain evaluations (Art. 102.018, Code

2-38 of Criminal Procedure) actual cost;

2-39 (11) additional costs attendant to certain

2-40 intoxication convictions under Chapter 49, Penal Code, for

2-41 emergency medical services, trauma facilities, and trauma care

2-42 systems (Art. 102.0185, Code of Criminal Procedure) \$100;

2-43 (12) additional costs attendant to certain child

2-44 sexual assault and related convictions, for child abuse

2-45 prevention programs (Art. 102.0186, Code of Criminal

2-46 Procedure) \$100;

2-47 (13) court cost for DNA testing for certain felonies

2-48 (Art. 102.020(a)(1), Code of Criminal Procedure) \$250;

2-49 (14) court cost for DNA testing for certain

2-50 misdemeanors and felonies [~~the offense of public lewdness or~~

2-51 ~~indecent exposure~~] (Art. 102.020(a)(2), Code of Criminal

2-52 Procedure) \$50;

2-53 (15) court cost for DNA testing for certain

2-54 misdemeanors and felonies (Art. 102.020(a)(3), Code of Criminal

2-55 Procedure) \$34;

2-56 (16) if required by the court, a restitution fee for

2-57 costs incurred in collecting restitution installments and for the

2-58 compensation to victims of crime fund (Art. 42.037, Code of

2-59 Criminal Procedure) \$12;

2-60 (17) if directed by the justice of the peace or

2-61 municipal court judge hearing the case, court costs on conviction

2-62 in a criminal action (Art. 45.041, Code of Criminal Procedure)

2-63 . . . part or all of the costs as directed by the judge; and

2-64 (18) costs attendant to convictions under Chapter 49,

2-65 Penal Code, and under Chapter 481, Health and Safety Code, to help

2-66 fund drug court programs established under Chapter 122, 123, 124,

2-67 or 125, Government Code, or former law (Art. 102.0178, Code of

2-68 Criminal Procedure) . . . \$60.

2-69 SECTION 3. Section 411.142(c), Government Code, is amended

3-1 to read as follows:

3-2 (c) The director may receive, analyze, store, and destroy a
 3-3 DNA record or DNA sample for the purposes described by Section
 3-4 411.143. If a DNA sample was collected solely for the purpose of
 3-5 creating a DNA record, the director shall destroy the sample
 3-6 immediately after any test results associated with the sample are
 3-7 entered into the DNA database and the CODIS database.

3-8 SECTION 4. The heading to Section 411.1471, Government
 3-9 Code, is amended to read as follows:

3-10 Sec. 411.1471. DNA RECORDS OF PERSONS ARRESTED FOR, CHARGED
 3-11 WITH, OR CONVICTED OF CERTAIN OFFENSES [~~FELONIES~~].

3-12 SECTION 5. Sections 411.1471(a), (b), and (f), Government
 3-13 Code, are amended to read as follows:

3-14 (a) This section applies to a defendant who is:

3-15 (1) indicted or waives indictment for a felony
 3-16 prohibited or punishable under any of the following Penal Code
 3-17 sections:

- 3-18 (A) Section 20.04(a)(4);
- 3-19 (B) Section 21.11;
- 3-20 (C) Section 22.011;
- 3-21 (D) Section 22.021;
- 3-22 (E) Section 25.02;
- 3-23 (F) Section 30.02(d);
- 3-24 (G) Section 43.05;
- 3-25 (H) Section 43.25;
- 3-26 (I) Section 43.26;
- 3-27 (J) Section 21.02; or
- 3-28 (K) Section 20A.03;

3-29 (2) arrested for a felony described by Subdivision (1)
 3-30 after having been previously convicted of or placed on deferred
 3-31 adjudication for an offense described by Subdivision (1) or an
 3-32 offense punishable under Section 30.02(c)(2), Penal Code; [~~or~~]

3-33 (3) convicted of an offense:

3-34 (A) under the Penal Code that is punishable as a
 3-35 Class A misdemeanor or any higher category of offense, other than an
 3-36 offense described by Subdivision (1); or

3-37 (B) under Title 5, Penal Code, that is punishable
 3-38 as a Class B misdemeanor; or

3-39 (4) placed on deferred adjudication for an offense
 3-40 under Section 21.07 or 21.08, Penal Code.

3-41 (b) After a defendant described by Subsection (a)(1) is
 3-42 indicted or waives indictment, the court in which the case is
 3-43 pending shall require the defendant to provide to a law enforcement
 3-44 agency one or more specimens for the purpose of creating a DNA
 3-45 record. A law enforcement agency arresting a defendant described
 3-46 by Subsection (a)(2), immediately after fingerprinting the
 3-47 defendant and at the same location as the fingerprinting occurs,
 3-48 shall require the defendant to provide one or more specimens for the
 3-49 purpose of creating a DNA record. After a defendant described by
 3-50 Subsection (a)(3) or (4) is convicted or placed on deferred
 3-51 adjudication, as applicable, the court shall require the defendant
 3-52 to provide to a law enforcement agency one or more specimens for the
 3-53 purpose of creating a DNA record.

3-54 (f) A defendant who provides a DNA sample under this section
 3-55 is not required to provide a DNA sample under Section 411.148 of
 3-56 this code or under Section 11(j), Article 42.12, Code of Criminal
 3-57 Procedure, unless the [an] attorney representing the state in the
 3-58 prosecution of the felony offense that makes Section 411.148 or
 3-59 11(j) applicable to the defendant [~~offenses~~] establishes to the
 3-60 satisfaction of the director that the interests of justice or
 3-61 public safety require that the defendant provide additional
 3-62 samples.

3-63 SECTION 6. The change in law made by this Act in amending
 3-64 Article 102.020, Code of Criminal Procedure, and Section 411.1471,
 3-65 Government Code, applies only to an offense committed on or after
 3-66 the effective date of this Act. An offense committed before the
 3-67 effective date of this Act is governed by the law in effect at the
 3-68 time the offense was committed, and the former law is continued in
 3-69 effect for that purpose. For purposes of this section, an offense

4-1 was committed before the effective date of this Act if any element
4-2 of the offense occurred before that date.

4-3 SECTION 7. This Act takes effect September 1, 2015.

4-4

* * * * *