

1-1 By: Hernandez, Romero, Jr., Faircloth H.B. No. 238  
 1-2 (Senate Sponsor - Perry)  
 1-3 (In the Senate - Received from the House May 9, 2017;  
 1-4 May 9, 2017, read first time and referred to Committee on Criminal  
 1-5 Justice; May 17, 2017, reported favorably by the following vote:  
 1-6 Yeas 8, Nays 0; May 17, 2017, 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			X	
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the creation of records of the DNA of certain defendants  
 1-21 for inclusion in the DNA database system.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 411.1471(a), Government Code, is amended  
 1-24 to read as follows:

1-25 (a) This section applies to a defendant who is:

1-26 (1) indicted or waives indictment for a felony  
 1-27 prohibited or punishable under any of the following Penal Code  
 1-28 sections:

- 1-29 (A) Section 20.04(a)(4);
- 1-30 (B) Section 21.11;
- 1-31 (C) Section 22.011;
- 1-32 (D) Section 22.021;
- 1-33 (E) Section 25.02;
- 1-34 (F) Section 30.02(d);
- 1-35 (G) Section 43.05;
- 1-36 (H) Section 43.25;
- 1-37 (I) Section 43.26;
- 1-38 (J) Section 21.02; or
- 1-39 (K) Section 20A.03;

1-40 (2) arrested for a felony described by Subdivision (1)  
 1-41 after having been previously convicted of or placed on deferred  
 1-42 adjudication for an offense described by Subdivision (1) or an  
 1-43 offense punishable under Section 30.02(c)(2), Penal Code; or

1-44 (3) convicted of an offense:

1-45 (A) under Title 5, Penal Code, other than an  
 1-46 offense described by Subdivision (1), that is punishable as a Class  
 1-47 A misdemeanor or any higher category of offense, except for an  
 1-48 offense punishable as a Class A misdemeanor under Section 20.02,  
 1-49 22.01, or 22.05, Penal Code; or

1-50 (B) under Section 21.08, 25.04, 43.02(b), 43.03,  
 1-51 or 43.24, Penal Code.

1-52 SECTION 2. The change in law made by this Act applies only  
 1-53 to an offense committed on or after the effective date of this Act.  
 1-54 An offense committed before the effective date of this Act is  
 1-55 governed by the law in effect on the date the offense was committed,  
 1-56 and the former law is continued in effect for that purpose. For  
 1-57 purposes of this section, an offense was committed before the  
 1-58 effective date of this Act if any element of the offense occurred  
 1-59 before that date.

1-60 SECTION 3. This Act takes effect September 1, 2017.

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