

By: White

H.B. No. 4121

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use of rapid DNA technology to identify, document
3 and record all persons arrested for a felony or a class A
4 misdemeanor.

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

6 SECTION 1. Section [411.1471](#), Government Code, is amended by
7 amending Subsections (a-1) and (a-2) to read as follows:

8 (a-1) arrested for a felony or class A misdemeanor

9 (a-2) arrested for any misdemeanor after having previously
10 been convicted of or placed on deferred adjudication for an offense
11 described by Subsection (a-1) for an offense punishable under
12 Subdivision (1) or an offense punishable under Section [30.02](#)
13 (C)(2), Penal Code; or

14 SECTION 2. Section [411.1471](#), Government Code, is amended by
15 removing Subsection (a-3)

16 SECTION 3. Section [411.1471](#), Government Code, is amended by
17 amending Subsection (b) to read as follows:

18 (b) A law enforcement agency arresting a defendant
19 described by Subsection (a), immediately after fingerprinting the
20 defendant and at the same location as the fingerprinting occurs,
21 shall require the defendant to provide one or more specimens for the
22 purpose of creating a DNA record.

23 SECTION 4. Section [411.1471](#), Government Code, is amended by
24 amending Subsection (d) to read as follows:

1 (d) The director by rule shall require law enforcement
2 agencies taking a specimen under this section to take a buccal swab
3 specimen, preserve the specimen and maintain a record of the
4 collection of the specimen. The agency will conduct analysis of the
5 specimen utilizing standards approved by the Federal Bureau of
6 Investigation (FBI) for submission to its National DNA Index System
7 (NDIS). Refer to further information at
8 www.fbi.gov/services/laboratory/biometricanalysis/codis.

9 SECTION 5. This Act takes effect September 1, 2017.