By:  Hernandez, Smith (Senate Sponsor - Perry) H.B. No. 979

(In the Senate - Received from the House April 23, 2019; April 24, 2019, read first time and referred to Committee on Criminal Justice; May 9, 2019, reported favorably by the following vote: Yeas 5, Nays 0; May 9, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Buckingham      X

Flores                    X

Hughes                    X

Miles           X

Perry           X

A BILL TO BE ENTITLED

AN ACT

relating to the creation of DNA records for certain defendants for inclusion in the DNA database system.

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

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

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

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

(A)  Section 20.04(a)(4);

(B)  Section 21.11;

(C)  Section 22.011;

(D)  Section 22.021;

(E)  Section 25.02;

(F)  Section 30.02(d);

(G)  Section 43.05;

(H)  Section 43.25;

(I)  Section 43.26;

(J)  Section 21.02; or

(K)  Section 20A.03;

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

(3)  convicted of an offense:

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

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

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

SECTION 3.  This Act takes effect September 1, 2019.

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