

By: Thompson of Harris

H.B. No. 217

A BILL TO BE ENTITLED

AN ACT

relating to postconviction forensic DNA testing.

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

SECTION 1. Article 64.03, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) In this article, the term "exculpatory results" includes DNA test results that indicate a match, pursuant to a comparison procedure conducted by a laboratory described by Subsection (c), between an unidentified DNA profile on the evidence tested and another individual's DNA profile contained in a DNA database described by Article 64.035 or otherwise in the possession of a law enforcement agency.

(c) If the convicting court finds in the affirmative the issues listed in Subsection (a)(1) and the convicted person meets the requirements of Subsection (a)(2), the court shall order that the requested forensic DNA testing be conducted. The court may order the test to be conducted by:

(1) a laboratory of the Department of Public Safety;

(2) a laboratory operating under a contract with the department; or

(3) on the request of the convicted person, another laboratory if that laboratory is accredited under Article 38.01.

SECTION 2. The change in law made by this Act applies to a

1 motion for forensic DNA testing filed on or after the effective date
2 of this Act. A motion for forensic DNA testing filed before the
3 effective date of this Act is governed by the law in effect on the
4 date the motion was filed, and the former law is continued in effect
5 for that purpose.

6 SECTION 3. This Act takes effect September 1, 2021.