

By: Leo-Wilson

H.B. No. 12

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the Department of Public Safety performing rapid DNA
3 testing of certain individuals crossing the Texas-Mexico border.

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

5 SECTION 1. Chapter 421, Government Code, is amended by
6 adding Subchapter G to read as follows:

7 SUBCHAPTER G. RAPID DNA TESTING OF CERTAIN INDIVIDUALS CROSSING
8 TEXAS-MEXICO BORDER

9 Sec. 421.121. DEFINITIONS. In this subchapter:

10 (1) "DNA" means deoxyribonucleic acid.

11 (2) "Rapid DNA test" means a process for developing a
12 DNA profile of an individual:

13 (A) based on a biological sample consisting of a
14 buccal swab of the individual; and

15 (B) without the need for human intervention in
16 the process or the use of facilities dedicated to performing DNA
17 analyses and testing.

18 Sec. 421.122. RAPID DNA TESTING PROGRAM. The Department of
19 Public Safety shall enter into an agreement with the United States
20 Department of Homeland Security on request to establish a program
21 for:

22 (1) performing rapid DNA tests of individuals who:

23 (A) enter into this state by crossing the
24 Texas-Mexico border;

1 (B) are detained or arrested by the Department of
2 Homeland Security; and

3 (C) the Department of Homeland Security has
4 reason to believe are misrepresenting the existence of a family
5 relationship between the individual and another individual
6 detained or arrested by the Department of Homeland Security; and

7 (2) promptly providing the results of the rapid DNA
8 tests to the Department of Homeland Security for use in the
9 enforcement of federal immigration laws.

10 Sec. 421.123. BIOLOGICAL SAMPLES TO BE DESTROYED. The
11 Department of Public Safety shall destroy the biological sample
12 used to perform a rapid DNA test under the agreement described by
13 Section 421.122 after performing the test and providing the
14 results.

15 Sec. 421.124. DATABASE OF PROFILES PROHIBITED. The
16 Department of Public Safety may not maintain a database of DNA
17 profiles developed through rapid DNA tests performed under an
18 agreement described by Section 421.122.

19 Sec. 421.125. REQUIRED PROVISIONS. The agreement described
20 by Section 421.122 must contain provisions that are substantially
21 similar to the duty under Section 421.123 and the prohibition under
22 Section 421.124.

23 SECTION 2. This Act takes effect on the 91st day after the
24 last day of the legislative session.