

By: Leo-Wilson

H.B. No. 84

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

Sec. 421.121. DEFINITIONS. In this subchapter:

(1) "DNA" means deoxyribonucleic acid.

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

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

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

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

(1) performing rapid DNA tests of individuals who:

(A) enter into this state by crossing the 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.