

BILL ANALYSIS

H.B. 3957
By: Smith
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, state law does not provide for the use of rapid DNA analysis in a booking environment. Booking stations have to send their DNA samples off to state labs and wait weeks for the results, which can create a backlog that impacts criminal investigations that rely on DNA evidence. H.B. 3957 seeks to address this issue by defining rapid DNA analysis and creating a rapid DNA analysis pilot program in certain counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

H.B. 3957 amends the Government Code to require the Department of Public Safety (DPS) to establish a pilot program to optimize the process of reporting DNA records by assisting law enforcement agencies in implementing rapid DNA analysis of DNA samples collected under applicable state law. The bill defines "rapid DNA analysis" as the fully automated processing of a reference buccal swab sample to provide a DNA record that is eligible for comparison in the CODIS database in not more than 24 hours.

H.B. 3957 requires the pilot program to begin operating September 1, 2023, and assist law enforcement agencies with jurisdiction in El Paso, Galveston, Montgomery, Tarrant, and Travis Counties. The bill requires DPS to expand the pilot program beginning September 1, 2024, to begin assisting law enforcement agencies with jurisdiction in Bexar, Collin, Dallas, Harris, and Hidalgo Counties. The bill authorizes DPS and each applicable law enforcement agency to consult with the FBI regarding rapid DNA analysis implementation and best practices.

H.B. 3957 requires DPS, not later than January 1, 2026, to review the pilot program and submit a written report to the legislature on the progress made by the pilot program in optimizing the reporting of DNA records and any recommendations regarding the continuation or expansion of the program. The bill authorizes DPS to solicit and accept gifts, grants, and donations from any public or private source to fund the pilot program and to adopt rules as necessary to implement the bill's provisions. The bill's provisions expire September 1, 2025.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.