

BILL ANALYSIS

H.B. 4628
By: Goldman
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 86th Texas Legislature enacted H.B. 3106, otherwise known as Molly Jane's Law, which changed the process of data collection in sexual assault investigations across law enforcement agencies in Texas. This law was a step forward, but the timeline for sexual assault evidence kit processing remains an issue. Lack of established deadlines in law have led to circumstances in which CODIS hits are returned to the lab but not issued to an investigator or in which hits are issued to investigators but are left pending with the need for follow-up sample collection. H.B. 4628 seeks to address these issues by establishing a timeline for handling CODIS database matches that could potentially aid an investigation by a law enforcement agency.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4628 amends the Government Code to require the Department of Public Safety (DPS), not later than the seventh day after the date DPS performs a comparison of a DNA profile obtained through a sexual assault evidence collection kit with DNA profiles maintained in state DNA databases and the federal CODIS DNA database as required by law, to notify the accredited crime laboratory that analyzed the evidence collection kit whether the comparison resulted in any matches. If a match is identified, the law enforcement agency that submitted the evidence collection kit to the laboratory must, on request of the laboratory, provide any additional information concerning the match requested by the laboratory not later than the fifth business day after the request.

H.B. 4628 requires written notification of the following to be provided to the law enforcement agency that submitted the evidence collection kit not later than the 30th day after a match is identified:

- any case-to-case match that may assist in a criminal investigation but does not identify a suspect or offender; and
- any verified match that identifies a suspect or offender.

The bill authorizes verification of a match identifying an offender to be expedited in cases involving a significant public safety concern. The bill requires a law enforcement agency to acknowledge receipt of the notification of any case-to-case match not later than the fifth business day after receiving the notification and, not later than the 30th day after receiving a notification of a verified match that identifies a suspect or offender, to attempt to collect a DNA sample from

an identified suspect or offender and submit the sample to an accredited crime laboratory for analysis.

H.B. 4628 applies only to the comparison of DNA profiles that is performed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.