

AN ACT

relating to the duties of law enforcement agencies, crime laboratories, and the Department of Public Safety following the performance of certain DNA profile comparisons.

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

SECTION 1. Section 420.043, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) An accredited crime laboratory that submits a DNA profile to the department to perform the comparison required under Subsection (a) shall monitor the accredited crime laboratory's database for any matches between the DNA profile submitted to the department and the DNA profiles contained in the databases described by Subsections (a)(1) and (2). For purposes of Section 420.0431, the date on which a match is displayed in an accredited crime laboratory's database is considered written notification of a match.

SECTION 2. Subchapter B-1, Chapter 420, Government Code, is amended by adding Sections 420.0431 and 420.0432 to read as follows:

Sec. 420.0431. DUTIES FOLLOWING DATABASE DNA MATCH. (a) If a match that may assist in the investigation of a criminal case is identified under Section 420.043 between biological evidence contained in an evidence collection kit and a DNA profile contained in a database described by Subsection (a)(1) or (2) of that section,

1 on request of the accredited crime laboratory that performed the  
2 analysis of the evidence collection kit, a law enforcement agency  
3 that submitted the evidence collection kit to the crime laboratory  
4 shall, not later than the fifth business day after the date the  
5 request is made, provide any additional information requested by  
6 the crime laboratory concerning the match.

7 (b) Not later than the 60th business day after the crime  
8 laboratory receives written notification that a match that may aid  
9 in the investigation of a criminal case has been identified under  
10 Section 420.043 between biological evidence contained in an  
11 evidence collection kit and a DNA profile contained in a database  
12 described by Subsection (a)(1) or (2) of that section, written  
13 notification must be provided to the law enforcement agency that  
14 submitted the evidence collection kit of:

15 (1) any case-to-case match that may assist in the  
16 investigation of a criminal case; and

17 (2) any verified match that identifies a suspect or  
18 offender.

19 (c) Verification of a match identifying an offender under  
20 Subsection (b)(2) may be expedited in cases involving a significant  
21 public safety concern.

22 (d) Not later than the fifth business day after receiving a  
23 notification under Subsection (b)(1), the law enforcement agency  
24 shall acknowledge receipt of the notification.

25 (e) Not later than the 30th business day after the date a law  
26 enforcement agency receives a notification of a verified match  
27 under Subsection (b)(2), the law enforcement agency shall attempt

1 to collect a DNA sample from an identified suspect or offender and  
2 submit the sample to an accredited crime laboratory for analysis.

3 Sec. 420.0432. SURVIVOR NOTIFICATION CONCERNING DATABASE  
4 DNA MATCH. (a) If, with respect to a sexual assault or other sex  
5 offense, a match is identified under Section 420.043 between  
6 biological evidence contained in an evidence collection kit and a  
7 DNA profile contained in a database described by Subsection (a)(1)  
8 or (2) of that section, the law enforcement agency with  
9 jurisdiction over the offense shall, not later than the fifth  
10 business day after the law enforcement agency receives notification  
11 of the match, notify the survivor, as applicable, of:

12 (1) the match, if disclosing the match would not  
13 interfere with the investigation or prosecution of the offense; or

14 (2) the estimated date on which the match is expected  
15 to be disclosed, if disclosing the match would interfere with the  
16 investigation or prosecution of the offense.

17 (b) If a law enforcement agency is unable to notify a  
18 survivor under Subsection (a) within the period required by that  
19 subsection, the agency shall continue to make reasonable efforts to  
20 notify the survivor.

21 SECTION 3. Section 420.043, Government Code, as amended by  
22 this Act, and Sections 420.0431 and 420.0432, Government Code, as  
23 added by this Act, apply only to the comparison of DNA profiles that  
24 is performed on or after the effective date of this Act. A  
25 comparison of DNA profiles performed before the effective date of  
26 this Act is governed by the law in effect on the date the comparison  
27 was performed, and the former law is continued in effect for that

1 purpose.

2 SECTION 4. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4628 was passed by the House on May 10, 2023, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4628 on May 25, 2023, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4628 was passed by the Senate, with amendments, on May 22, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor