

By: Goldman

H.B. No. 4628

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the duties of law enforcement agencies, crime
3 laboratories, and the Department of Public Safety following the
4 performance of certain DNA profile comparisons.

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

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

8 (a-1) Not later than the seventh day after the date the
9 department performs a comparison of DNA profiles required under
10 Subsection (a), the department shall notify the accredited crime
11 laboratory that analyzed the evidence collection kit containing
12 biological evidence whether the comparison of the DNA profile
13 obtained from the biological evidence to DNA profiles contained in
14 the databases described by Subsections (a)(1) and (2) resulted in
15 any matches.

16 SECTION 2. Subchapter B-1, Chapter 420, Government Code, is
17 amended by adding Section 420.0431 to read as follows:

18 Sec. 420.0431. DUTIES FOLLOWING DATABASE DNA MATCH. (a) If
19 a match is identified under Section 402.043 between biological
20 evidence contained in an evidence collection kit and a DNA profile
21 contained in a database described by Subsection (a)(1) or (2) of
22 that section, on request of the accredited crime laboratory that
23 performed the analysis of the evidence collection kit, a law
24 enforcement agency that submitted the evidence collection kit to

1 the crime laboratory shall, not later than the fifth business day
2 after the date the request is made, provide any additional
3 information requested by the crime laboratory concerning the match.

4 (b) Not later than the 30th day after a match is identified
5 under Section 402.043 between biological evidence contained in an
6 evidence collection kit and a DNA profile contained in a database
7 described by Subsection (a)(1) or (2) of that section, written
8 notification must be provided to the law enforcement agency that
9 submitted the evidence collection kit of:

10 (1) any case-to-case match that may assist in the
11 investigation of a criminal case but does not identify a suspect or
12 offender; and

13 (2) any verified match that identifies a suspect or
14 offender.

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

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

21 (e) Not later than the 30th day after the date a law
22 enforcement agency receives a notification of a verified match
23 under Subsection (b)(2), the law enforcement agency shall attempt
24 to collect a DNA sample from an identified suspect or offender and
25 submit the sample to an accredited crime laboratory for analysis.

26 SECTION 3. Section 420.043, Government Code, as amended by
27 this Act, and Section 420.0431, Government Code, as added by this

1 Act, apply only to the comparison of DNA profiles that is performed
2 on or after the effective date of this Act. A comparison of DNA
3 profiles performed before the effective date of this Act is
4 governed by the law in effect on the date the comparison was
5 performed, and the former law is continued in effect for that
6 purpose.

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