

House Bill 4628
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

(b) Not later than the 60th business day after the crime laboratory receives written notification that a match that may

SENATE VERSION (IE)

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.
[FA1(1)]

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, on request of the accredited crime laboratory that performed the analysis of the evidence collection kit, a law enforcement agency that submitted the evidence collection kit to the crime laboratory shall, not later than the fifth business day after the date the request is made, provide any additional information requested by the crime laboratory concerning the match.
[FA1(2)]

(b) Not later than the 60th business day after the crime laboratory receives written notification that a match that may

CONFERENCE

House Bill 4628
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

aid in the investigation of a criminal case has been identified under Section 402.043 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, written notification must be provided to the law enforcement agency that submitted the evidence collection kit of:

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

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

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

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

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

Sec. 420.0432. SURVIVOR NOTIFICATION CONCERNING DATABASE DNA MATCH. (a) If, with respect to a sexual assault or other sex offense, a match 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, the law enforcement agency with jurisdiction over the offense shall, not later than the fifth business day after the law enforcement agency receives

SENATE VERSION (IE)

aid in the investigation of a criminal case has been 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, written notification must be provided to the law enforcement agency that submitted the evidence collection kit of: [FA1(2)]

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

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

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

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

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

Sec. 420.0432. SURVIVOR NOTIFICATION CONCERNING DATABASE DNA MATCH. (a) If, with respect to a sexual assault or other sex offense, a match 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, the law enforcement agency with jurisdiction over the offense shall, not later than the fifth business day after the law enforcement agency receives

CONFERENCE

House Bill 4628
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

notification of the match, notify the survivor, as applicable, of:

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

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

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

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

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

SENATE VERSION (IE)

notification of the match, notify the survivor, as applicable, of:

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

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

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

SECTION 3. Section 420.043, Government Code, as amended by this Act, and Sections 420.0431 and 420.0432, Government Code, as added by this Act, apply only to the comparison of DNA profiles that is performed on or after the effective date of this Act. A comparison of DNA profiles performed before the effective date of this Act is governed by the law in effect on the date the comparison was performed, and the former law is continued in effect for that purpose. [FA1(3)]

SECTION 4. Same as House version.

CONFERENCE