

BILL ANALYSIS

Senate Research Center
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S.B. 2460
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As written, current law does not allow for DNA testing of forensic samples outside of an accredited laboratory. Prior to the commercial availability of rapid DNA technology, there did not exist the means to test DNA samples outside of a laboratory. Rapid DNA technology allows for the samples collected to be processed and analyzed, providing results in 90 to 120 minutes all in the setting of a processing center, or booking station. This technology will alleviate the burden on our existing DNA laboratories while streamlining the DNA collection and analyzation process to solve cold cases, and prevent violent repeat offenders from committing crimes.

S.B. 2460 amends certain sections of Chapter 411 of the Government Code to permit DNA testing to be conducted outside of laboratory settings and in booking stations by authorized law enforcement agencies. This change in the code would permit rapid DNA technology to be utilized as intended. S.B. 2460 also instructs the Director of the Texas Department of Public Safety to establish procedures for rapid DNA and maintain quality control, just as current law requires of DNA testing within a traditional laboratory setting.

As proposed, S.B. 2460 amends current law relating to rapid DNA analysis performed by certain law enforcement agencies and the content of certain DNA databases.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the public safety director is modified in SECTION 4 (Section 411.144, Government Code) and SECTION 6 (Section 411.147, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.141, Government Code, by amending Subdivisions (1) and (7) and adding Subdivisions (1-a), (11-a), and (13), to define "authorized law enforcement agency," "law enforcement agency," and "rapid DNA analysis" and redefine "DNA record."

SECTION 2. Amends Section 411.142(h) to require the public safety director (director) to establish standards for DNA analysis by a DNA laboratory and standards for rapid DNA analysis by an authorized law enforcement agency that meet or exceed the current standards for quality assurance and proficiency testing for forensic DNA analysis issued by the FBI. Makes a nonsubstantive change.

SECTION 3. Amends Sections 411.143(c), (e), and (f), Government Code, as follows:

(c) Provides that other purposes of the DNA database (database) include certain tasks, including retesting to validate or update the original analysis or assisting in quality control with respect to the database or with respect to the laboratories or agencies performing forensic DNA analyses, rather than assisting in database or DNA laboratory quality control.

(e) Prohibits the director from storing a name or other personal identifying information in the CODIS database unless approved by the FBI.

(f) Provides that the database, except as provided by Subchapter G (DNA Database System), is authorized only to include criminal history record information approved by the FBI, rather than is prohibited from including criminal history record information.

SECTION 4. Amends Section 411.144, Government Code, as follows:

Sec. 411.144. REGULATION OF DNA LABORATORIES; PENALTIES. (a) Requires the director by rule to establish procedures for a DNA laboratory or criminal justice agency, including an authorized law enforcement agency, in the collection, preservation, shipment, analysis, and use of a DNA sample for forensic DNA analysis, including rapid DNA analysis, in a manner that permits the exchange of DNA evidence between DNA laboratories and criminal justice agencies and the use of the evidence in a criminal case.

(b) Makes a conforming change to this subsection.

(c) Makes conforming and nonsubstantive changes to this subsection.

(d) Requires a DNA laboratory conducting a forensic DNA analysis under this subchapter or an authorized law enforcement agency performing a rapid DNA analysis under this subchapter to perform certain actions.

(e) Makes a conforming change to this subsection.

(f) Authorizes the director to perform certain actions, including authorize a law enforcement agency to perform rapid DNA analyses under Section 411.146(c-1). Makes nonsubstantive changes.

SECTION 5. Amends Section 411.146, Government Code, by amending Subsections (c) and (e) and adding Subsection (c-1), as follows:

(c) Makes a conforming change to this subsection.

(c-1) Authorizes a law enforcement agency, subject to the other requirements prescribed by this subchapter and rules adopted under this subchapter, to perform a rapid DNA analysis under this subchapter if:

(1) the agency requests the director's approval to use a system capable of performing a rapid DNA analysis; and

(2) the director authorizes the agency to use the system described by Subdivision (1) to perform rapid DNA analyses.

(e) Makes a conforming change to this subsection.

SECTION 6. Amends Sections 411.147(b) and (e), Government Code, to make conforming and nonsubstantive changes.

SECTION 7. Amends Section 411.1471(d), Government Code, to authorize a law enforcement agency taking a sample to perform certain actions, including sending to the director a rapid DNA analysis of the sample if the director has authorized the agency to perform the analysis.

SECTION 8. Amends Section 411.1473(c), Government Code, to make conforming and nonsubstantive changes.

SECTION 9. Effective date: September 1, 2025.