

By: Leo Wilson, Guillen, Lujan,  
Morales of Maverick, Martinez, et al.

H.B. No. 256

Substitute the following for H.B. No. 256:

By: King

C.S.H.B. No. 256

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the Department of Public Safety performing DNA testing  
3 of certain individuals crossing the Texas-Mexico border and  
4 restrictions on the use of the results of those tests.

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

6 SECTION 1. Chapter 421, Government Code, is amended by  
7 adding Subchapter G to read as follows:

## SUBCHAPTER G. DNA TESTING OF CERTAIN INDIVIDUALS CROSSING

## TEXAS-MEXICO BORDER

10 Sec. 421.121. DEFINITIONS. In this subchapter:

11 (1) "CODIS" has the meaning assigned by Section  
12 411.141.

13 (2) "DNA" means deoxyribonucleic acid.

14 (3) "DNA database" has the meaning assigned by Section  
15 411.141.

20 (B) without the need for human intervention in  
21 the process or the use of facilities dedicated to performing DNA  
22 analyses and testing

23 Sec. 421.122. DNA TESTING PROGRAM; AGREEMENT. The

1 United States Department of Homeland Security on request to  
2 establish a program for:

3                   (1) performing DNA tests, including rapid DNA tests,  
4 of individuals who:

5                    (A) enter into this state by crossing the  
6 Texas-Mexico border;

7                    (B) are detained or arrested by the Department of  
8 Homeland Security; and

9                    (C) the Department of Homeland Security has  
10 reason to believe are misrepresenting the existence of a  
11 parent-child relationship between the individual and one or more  
12 other individuals detained or arrested by the Department of  
13 Homeland Security; and

14                   (2) promptly providing the results of the DNA tests  
15 described by Subdivision (1) to the Department of Homeland Security  
16 for use in the enforcement of federal immigration laws.

17                   Sec. 421.123. BIOLOGICAL SAMPLES TO BE DESTROYED. The  
18 Department of Public Safety shall destroy the biological sample  
19 used to perform a DNA test, including a rapid DNA test, under the  
20 agreement described by Section 421.122 after performing the test  
21 and providing the results.

22                   Sec. 421.124. DNA DATABASE AND USE OF CODIS PROHIBITED. The  
23 Department of Public Safety, using the results of DNA tests,  
24 including rapid DNA tests, performed under the agreement described  
25 by Section 421.122, may not:

26                    (1) maintain a DNA database;  
27                    (2) enter the results of the DNA tests into CODIS; or

1                   (3) search CODIS.

2                   Sec. 421.125. REQUIRED PROVISIONS. The agreement described  
3                   by Section 421.122 must contain provisions that are substantially  
4                   similar to the duty under Section 421.123 and the prohibitions  
5                   under Section 421.124.

6                   Sec. 421.126. FUNDING. Notwithstanding any other provision  
7                   of this subchapter, the Department of Public Safety may not  
8                   establish or operate the program under Section 421.122, unless the  
9                   department receives funding from the United States Department of  
10                   Homeland Security sufficient to cover the costs of establishing and  
11                   operating the program, as determined by the Department of Public  
12                   Safety.

13                   SECTION 2. This Act takes effect September 1, 2025.