

AN ACT

relating to rapid DNA analysis by certain law enforcement agencies,  
the establishment of a related pilot program, and the content of  
certain DNA databases.

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

SECTION 1. Section 411.141, Government Code, is amended by  
amending Subdivisions (1) and (7) and adding Subdivisions (1-a),  
(11-a), and (13) to read as follows:

(1) "Authorized law enforcement agency" means a law  
enforcement agency that is authorized by the director to perform  
rapid DNA analyses under Section 411.146(c-1).

(1-a) "CODIS" means the FBI's Combined DNA Index  
System. The term includes the national DNA index system sponsored  
by the FBI.

(7) "DNA record" means the results of a forensic DNA  
analysis performed by a DNA laboratory or the results of a rapid DNA  
analysis performed by an authorized law enforcement agency under  
this subchapter. The term includes a DNA profile and related  
records, which may include a code or other identifying number  
referenced to a separate database to locate:

(A) the originating entity; and

(B) if known, the name and other personally  
identifying information concerning the individual who is the  
subject of the analysis.

1           (11-a) "Law enforcement agency" means an agency of the  
2 state or an agency of a political subdivision of the state that is  
3 authorized by law to employ peace officers.

4           (13) "Rapid DNA analysis" means the fully automated  
5 processing of a known reference or forensic sample to provide a DNA  
6 record that is eligible for comparison in the CODIS database in not  
7 more than 24 hours.

8           SECTION 2. Section 411.142(h), Government Code, is amended  
9 to read as follows:

10           (h) The director shall establish standards for DNA analysis  
11 by a [the] DNA laboratory and standards for rapid DNA analysis by an  
12 authorized law enforcement agency that meet or exceed the current  
13 standards for quality assurance and proficiency testing for  
14 forensic DNA analysis issued by the FBI. The DNA database may  
15 contain only DNA records of DNA analyses performed according to the  
16 standards adopted by the director.

17           SECTION 3. Sections 411.143(c), (e), and (f), Government  
18 Code, are amended to read as follows:

19           (c) Other purposes of the database include:

20                   (1) assisting in the recovery or identification of  
21 human remains from a disaster or for humanitarian purposes;

22                   (2) assisting in the identification of living or  
23 deceased missing persons;

24                   (3) if personal identifying information is removed:

25                           (A) establishing a population statistics  
26 database; and

27                           (B) assisting in identification research,

1 forensic validation studies, or forensic protocol development; and

2 (4) retesting to validate or update the original  
3 analysis or assisting in quality control with respect to the  
4 database or with respect to the laboratories or agencies performing  
5 forensic DNA analyses [~~or DNA laboratory quality control~~].

6 (e) The director may not store a name or other personal  
7 identifying information in the CODIS database unless approved by  
8 the FBI. A file or reference number to another information system  
9 may be included in the CODIS database only if the director  
10 determines the information is necessary to:

11 (1) generate an investigative lead or exclusion;

12 (2) support the statistical interpretation of a test  
13 result; or

14 (3) allow for the successful implementation of the DNA  
15 database.

16 (f) Except as provided by this subchapter, the DNA database  
17 may only [~~not~~] include criminal history record information approved  
18 by the FBI.

19 SECTION 4. Section [411.144](#), Government Code, is amended to  
20 read as follows:

21 Sec. 411.144. REGULATION OF DNA LABORATORIES; PENALTIES.

22 (a) The director by rule shall establish procedures for a DNA  
23 laboratory or criminal justice agency, including an authorized law  
24 enforcement agency, in the collection, preservation, shipment,  
25 analysis, and use of a DNA sample for forensic DNA analysis,  
26 including rapid DNA analysis, in a manner that permits the exchange  
27 of DNA evidence between DNA laboratories and criminal justice

1 agencies and the use of the evidence in a criminal case.

2 (b) A DNA laboratory or criminal justice agency, including  
3 an authorized law enforcement agency, shall follow the procedures:

4 (1) established by the director under this section;  
5 and

6 (2) specified by the FBI, including use of comparable  
7 test procedures, laboratory equipment, supplies, and computer  
8 software.

9 (c) The director may at any reasonable time enter and  
10 inspect the premises or audit the records, reports, procedures, or  
11 other quality assurance matters of:

12 (1) any DNA laboratory that:

13 (A) [~~(1)~~] provides DNA records to the director  
14 under this subchapter; or

15 (B) [~~(2)~~] conducts forensic analysis; and

16 (2) any authorized law enforcement agency.

17 (d) A DNA laboratory conducting a forensic DNA analysis  
18 under this subchapter or an authorized law enforcement agency  
19 performing a rapid DNA analysis under this subchapter shall:

20 (1) forward the DNA record of the analysis to the  
21 director at the department's crime laboratory or another location  
22 as required by the director; and

23 (2) comply with this subchapter and rules adopted  
24 under this subchapter.

25 (e) The director is the Texas liaison for DNA data, records,  
26 evidence, and other related matters between:

27 (1) the FBI; and

1           (2) a DNA laboratory or a criminal justice agency,  
2 including an authorized law enforcement agency.

3           (f) The director may:

4               (1) conduct DNA analyses; [~~or~~]

5               (2) contract with a laboratory, state agency, private  
6 entity, or institution of higher education for services to perform  
7 DNA analyses for the director; or

8               (3) authorize a law enforcement agency to perform  
9 rapid DNA analyses under Section 411.146(c-1).

10          SECTION 5. Section 411.146, Government Code, is amended by  
11 amending Subsections (c) and (e) and adding Subsection (c-1) to  
12 read as follows:

13          (c)(1) The director shall adopt rules regarding the  
14 collection, preservation, shipment, and analysis of a DNA database  
15 sample under this subchapter, including the type of sample or  
16 specimen taken.

17          (2) A criminal justice agency permitted or required to  
18 collect a DNA sample for forensic DNA analysis, including rapid DNA  
19 analysis, under this subchapter:

20               (A) may collect the sample or contract with a  
21 phlebotomist, laboratory, state agency, private entity, or  
22 institution of higher education for services to collect the sample  
23 at the time determined by the agency; and

24               (B) shall:

25                       (i) preserve each sample collected until it  
26 is forwarded to the director under Subsection (d); and

27                       (ii) maintain a record of the collection of

1 the sample.

2 (c-1) Subject to the other requirements prescribed by this  
3 subchapter and rules adopted under this subchapter, a law  
4 enforcement agency may perform a rapid DNA analysis under this  
5 subchapter if:

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

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

10 (e) A DNA laboratory or an authorized law enforcement agency  
11 may analyze a DNA sample collected under this section only:

12 (1) to type the genetic markers contained in the  
13 sample;

14 (2) for criminal justice or law enforcement purposes;  
15 or

16 (3) for other purposes described by this subchapter.

17 SECTION 6. Subchapter G, Chapter 411, Government Code, is  
18 amended by adding Section 411.1465 to read as follows:

19 Sec. 411.1465. RAPID DNA ANALYSIS PILOT PROGRAM. (a) In  
20 this section, "rapid DNA analysis" means the fully automated  
21 processing of a reference buccal swab sample to provide a DNA record  
22 that is eligible for comparison in the CODIS database in not more  
23 than 2 hours without submitting the sample to a crime laboratory.

24 (b) The department shall establish a pilot program to  
25 optimize the process of reporting DNA records and decrease the  
26 number of arrests for which a DNA sample is not collected and  
27 analyzed by assisting law enforcement agencies in implementing

1 rapid DNA analysis of DNA samples collected under Section  
2 411.1471(b).

3 (c) Not later than September 1, 2025, the department shall  
4 begin updating information technology systems as necessary to  
5 support the pilot program.

6 (d) Not later than September 1, 2026, the department shall  
7 begin implementing the pilot program in two counties as determined  
8 by the department. The department may expand the pilot program to  
9 additional counties.

10 (e) The department and each law enforcement agency  
11 participating in the pilot program may consult with the Federal  
12 Bureau of Investigation regarding rapid DNA analysis  
13 implementation and best practices.

14 (f) Not later than January 1, 2028, the department shall  
15 review the pilot program established under this section and submit  
16 a written report to the legislature on the pilot program and any  
17 recommendations regarding the continuation or expansion of the  
18 program.

19 (g) The department may solicit and accept gifts, grants, and  
20 donations from any public or private source to fund the pilot  
21 program.

22 (h) The department may adopt rules as necessary to implement  
23 this section.

24 (i) This section expires September 1, 2028.

25 SECTION 7. Sections 411.147(b) and (e), Government Code,  
26 are amended to read as follows:

27 (b) The director may adopt rules relating to the internal

disclosure, access, or use of a sample or DNA record in a DNA laboratory or authorized law enforcement agency.

(e) A criminal justice agency may have access to a DNA sample for a law enforcement purpose through:

(1) the agency's laboratory; ~~[or]~~

(2) a laboratory used by the agency; or

(3) an authorized law enforcement agency.

SECTION 8. Section 411.1471(d), Government Code, is amended to read as follows:

(d) The director by rule shall require law enforcement agencies taking a specimen under this section to preserve the specimen and maintain a record of the collection of the specimen. A law enforcement agency taking a specimen under this section may use any method to take the specimen approved by the director in the rule adopted under this subsection. The rule adopted by the director must prohibit a law enforcement agency from taking a blood sample for the purpose of creating a DNA record under this section. The agency may:

(1) [either] send the specimen to the director; i

(2) [or] send to the director an analysis of the sample performed at a laboratory chosen by the agency and approved by the director; or

(3) send to the director a rapid DNA analysis of the sample if the director has authorized the agency to perform the analysis.

SECTION 9. Section 411.1473(c), Government Code, is amended to read as follows:



(c) A law enforcement agency taking a specimen under this section may:

(1) ~~[either]~~ send the specimen to the director;

(2) ~~[or]~~ send to the director an analysis of the specimen performed by a laboratory chosen by the agency and approved by the director; or

(3) send to the director a rapid DNA analysis of the specimen if the director has authorized the agency to perform the analysis.

SECTION 10. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1723 passed the Senate on May 12, 2025, by the following vote: Yeas 29, Nays 1; and that the Senate concurred in House amendment on May 30, 2025 by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1723 passed the House, with amendment, on May 24, 2025, by the following vote: Yeas 135, Nays 1, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor