

1-1 By: Ellis, Hinojosa, Whitmire S.B. No. 487
 1-2 (In the Senate - Filed February 6, 2015; February 10, 2015,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 8, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 8, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Whitmire	X			
1-9 Huffman	X			
1-10 Burton	X			
1-11 Creighton	X			
1-12 Hinojosa	X			
1-13 Menéndez			X	
1-14 Perry	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 487 By: Hinojosa

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to postconviction forensic DNA analysis.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Article 64.01(a-1), Code of Criminal Procedure,
 1-22 is amended to read as follows:
 1-23 (a-1) A convicted person may submit to the convicting court
 1-24 a motion for forensic DNA testing of evidence that has a reasonable
 1-25 likelihood of containing biological material. The motion must be
 1-26 accompanied by an affidavit, sworn to by the convicted person,
 1-27 containing statements of fact in support of the motion.
 1-28 SECTION 2. Article 64.03(a), Code of Criminal Procedure, is
 1-29 amended to read as follows:
 1-30 (a) A convicting court may order forensic DNA testing under
 1-31 this chapter only if:
 1-32 (1) the court finds that:
 1-33 (A) the evidence:
 1-34 (i) still exists and is in a condition
 1-35 making DNA testing possible; and
 1-36 (ii) has been subjected to a chain of
 1-37 custody sufficient to establish that it has not been substituted,
 1-38 tampered with, replaced, or altered in any material respect; ~~and~~
 1-39 (B) there is a reasonable likelihood that the
 1-40 evidence contains biological material suitable for DNA testing; and
 1-41 (C) identity was or is an issue in the case; and
 1-42 (2) the convicted person establishes by a
 1-43 preponderance of the evidence that:
 1-44 (A) the person would not have been convicted if
 1-45 exculpatory results had been obtained through DNA testing; and
 1-46 (B) the request for the proposed DNA testing is
 1-47 not made to unreasonably delay the execution of sentence or
 1-48 administration of justice.
 1-49 SECTION 3. The change in law made by this Act applies to a
 1-50 motion for forensic DNA testing filed on or after the effective date
 1-51 of this Act. A motion for forensic DNA testing filed before the
 1-52 effective date of this Act is governed by the law in effect on the
 1-53 date the motion was filed, and the former law is continued in effect
 1-54 for that purpose.
 1-55 SECTION 4. This Act takes effect September 1, 2015.

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