

By: Hernandez

H.B. No. 238

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of records of the DNA of certain defendants
3 for inclusion in the DNA database system.

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

5 SECTION 1. Section 411.1471(a), Government Code, is amended
6 to read as follows:

7 (a) This section applies to a defendant who is:

8 (1) indicted or waives indictment for a felony
9 prohibited or punishable under any of the following Penal Code
10 sections:

11 (A) Section 20.04(a)(4);

12 (B) Section 21.11;

13 (C) Section 22.011;

14 (D) Section 22.021;

15 (E) Section 25.02;

16 (F) Section 30.02(d);

17 (G) Section 43.05;

18 (H) Section 43.25;

19 (I) Section 43.26;

20 (J) Section 21.02; or

21 (K) Section 20A.03;

22 (2) arrested for a felony described by Subdivision (1)
23 after having been previously convicted of or placed on deferred
24 adjudication for an offense described by Subdivision (1) or an

1 offense punishable under Section 30.02(c)(2), Penal Code; or

2 (3) convicted of an offense:

3 (A) under Title 5, Penal Code, other than an
4 offense described by Subdivision (1), that is punishable as a Class
5 A misdemeanor or any higher category of offense, except for an
6 offense punishable as a Class A misdemeanor under Section 20.02,
7 22.01, or 22.05, Penal Code; or

8 (B) under Section 21.08, 25.04, 43.02(b), 43.03,
9 or 43.24, Penal Code.

10 SECTION 2. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect on the date the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 3. This Act takes effect September 1, 2017.