

1-1 By: Goldman (Senate Sponsor - Huffman) H.B. No. 4628
1-2 (In the Senate - Received from the House May 11, 2023;
1-3 May 12, 2023, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2023, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the duties of law enforcement agencies, crime
1-18 laboratories, and the Department of Public Safety following the
1-19 performance of certain DNA profile comparisons.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 420.043, Government Code, is amended by
1-22 adding Subsection (a-1) to read as follows:

1-23 (a-1) Not later than the seventh day after the date the
1-24 department performs a comparison of DNA profiles required under
1-25 Subsection (a), the department shall notify the accredited crime
1-26 laboratory that analyzed the evidence collection kit containing
1-27 biological evidence whether the comparison of the DNA profile
1-28 obtained from the biological evidence to DNA profiles contained in
1-29 the databases described by Subsections (a)(1) and (2) resulted in
1-30 any matches.

1-31 SECTION 2. Subchapter B-1, Chapter 420, Government Code, is
1-32 amended by adding Sections 420.0431 and 420.0432 to read as
1-33 follows:

1-34 Sec. 420.0431. DUTIES FOLLOWING DATABASE DNA MATCH. (a) If
1-35 a match that may assist in the investigation of a criminal case is
1-36 identified under Section 402.043 between biological evidence
1-37 contained in an evidence collection kit and a DNA profile contained
1-38 in a database described by Subsection (a)(1) or (2) of that section,
1-39 on request of the accredited crime laboratory that performed the
1-40 analysis of the evidence collection kit, a law enforcement agency
1-41 that submitted the evidence collection kit to the crime laboratory
1-42 shall, not later than the fifth business day after the date the
1-43 request is made, provide any additional information requested by
1-44 the crime laboratory concerning the match.

1-45 (b) Not later than the 60th business day after the crime
1-46 laboratory receives written notification that a match that may aid
1-47 in the investigation of a criminal case has been identified under
1-48 Section 402.043 between biological evidence contained in an
1-49 evidence collection kit and a DNA profile contained in a database
1-50 described by Subsection (a)(1) or (2) of that section, written
1-51 notification must be provided to the law enforcement agency that
1-52 submitted the evidence collection kit of:

1-53 (1) any case-to-case match that may assist in the
1-54 investigation of a criminal case; and

1-55 (2) any verified match that identifies a suspect or
1-56 offender.

1-57 (c) Verification of a match identifying an offender under
1-58 Subsection (b)(2) may be expedited in cases involving a significant
1-59 public safety concern.

1-60 (d) Not later than the fifth business day after receiving a
1-61 notification under Subsection (b)(1), the law enforcement agency

2-1 shall acknowledge receipt of the notification.

2-2 (e) Not later than the 30th business day after the date a law
2-3 enforcement agency receives a notification of a verified match
2-4 under Subsection (b)(2), the law enforcement agency shall attempt
2-5 to collect a DNA sample from an identified suspect or offender and
2-6 submit the sample to an accredited crime laboratory for analysis.

2-7 Sec. 420.0432. SURVIVOR NOTIFICATION CONCERNING DATABASE
2-8 DNA MATCH. (a) If, with respect to a sexual assault or other sex
2-9 offense, a match is identified under Section 420.043 between
2-10 biological evidence contained in an evidence collection kit and a
2-11 DNA profile contained in a database described by Subsection (a)(1)
2-12 or (2) of that section, the law enforcement agency with
2-13 jurisdiction over the offense shall, not later than the fifth
2-14 business day after the law enforcement agency receives notification
2-15 of the match, notify the survivor, as applicable, of:

2-16 (1) the match, if disclosing the match would not
2-17 interfere with the investigation or prosecution of the offense; or

2-18 (2) the estimated date on which the match is expected
2-19 to be disclosed, if disclosing the match would interfere with the
2-20 investigation or prosecution of the offense.

2-21 (b) If a law enforcement agency is unable to notify a
2-22 survivor under Subsection (a) within the period required by that
2-23 subsection, the agency shall continue to make reasonable efforts to
2-24 notify the survivor.

2-25 SECTION 3. Section 420.043, Government Code, as amended by
2-26 this Act, and Section 420.0431, Government Code, as added by this
2-27 Act, apply only to the comparison of DNA profiles that is performed
2-28 on or after the effective date of this Act. A comparison of DNA
2-29 profiles performed before the effective date of this Act is
2-30 governed by the law in effect on the date the comparison was
2-31 performed, and the former law is continued in effect for that
2-32 purpose.

2-33 SECTION 4. This Act takes effect September 1, 2023.

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