

SUBJECT: Amending the collection and expunction of DNA samples

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, C. Morales, Schatzline

0 nays

1 absent — Leach

WITNESSES: For — Eric Carcerano, Chambers County District Attorneys Office; Cheryl Lieck, Chambers County District Attorneys Office; Ashley Spence, DNA Justice Project; Lavinia Bertha Masters, Hope SAVES; Brian Hawthorne, Sheriffs Association of Texas (*Registered, but did not testify*; Sloan Byerly, ANDE; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Jessica Anderson, Houston Police Department; Buddy Mills, Sheriffs Association of Texas; Susana Carranza; Idona Griffith)

Against — None

On — Brady Mills, Texas DPS Crime Lab (*Registered, but did not testify*; Ray Hunt, HPOU)

BACKGROUND: Some have suggested that expanding DNA collection practices to include all felony arrests could connect more open cases with offenders. Concerns also have been raised that the procedure for the expunction of an individual's records requires further clarification.

DIGEST: The bill would remove from statute specific offenses that required an individual to provide the individual's DNA following an arrest, instead specifying that a defendant arrested for any offense punishable as a felony would be required to provide one or more DNA samples upon being booked by a law enforcement officer.

Individuals who committed offenses punishable as certain class A and class B misdemeanors would be required to provide their DNA upon conviction.

The bill would specify that as soon as practicable after the acquittal of the defendant or dismissal or after a defendant has been granted relief, the court would provide notice to the law enforcement agency that took the DNA sample and the Department of Public Safety that such action had been taken. The court would then be required to request that the director expunge the defendants' DNA record from the DNA database. Upon receipt of notice, the law enforcement agency would be required to destroy both the record of collection and the specimen. The court would then notify the defendant and the defendant's attorney that the required notices had been provided to law enforcement and the department.

The bill would take effect September 1, 2023 and would only apply to an offense committed or expunction ordered on or after the effective date.

NOTES:

The Legislative Budget Board estimates a negative impact of about \$13.5 million dollars through August 31, 2025.