

Chapter 326

H.B. No. 238

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

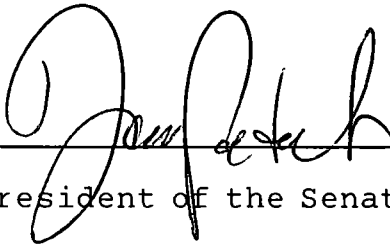
2 (3) convicted of an offense:

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

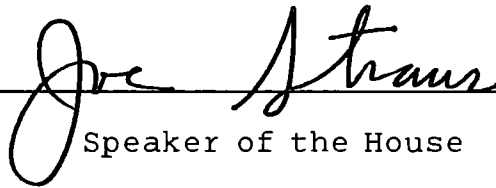
8 (B) under Section 21.08, 25.04, 43.02(b), 43.03,
9 or 43.24, Penal Code.

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.

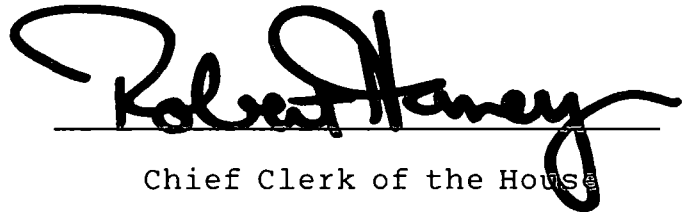


President of the Senate



Speaker of the House

I certify that H.B. No. 238 was passed by the House on May 8, 2017, by the following vote: Yeas 136, Nays 9, 1 present, not voting.



Chief Clerk of the House

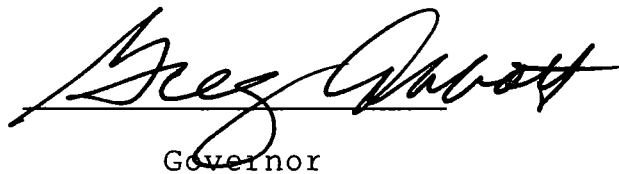
I certify that H.B. No. 238 was passed by the Senate on May 23, 2017, by the following vote: Yeas 28, Nays 3.



Secretary of the Senate


APPROVED: 5-31-2017

Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 AM O'CLOCK



Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB238 by Hernandez (Relating to the creation of records of the DNA of certain defendants for inclusion in the DNA database system.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 411 of the Government Code relating to the creation of DNA records of certain defendants for inclusion in the DNA database system. Based on the information provided by the Department of Public Safety, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, KJo, WP, FR

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 7, 2017

TO: Honorable James White, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB238 by Hernandez (Relating to the creation of records of the DNA of certain defendants for inclusion in the DNA database system.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 411 of the Government Code relating to the creation of DNA records of certain defendants for inclusion in the DNA database system. Based on the information provided by the Department of Public Safety, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

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