

AN ACT

relating to the creation of DNA records for the DNA database system.

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

SECTION 1. Articles 102.020(a) and (h-1), Code of Criminal Procedure, are amended to read as follows:

(a) A person shall pay as a cost of court:

(1) \$250 on conviction of an offense listed in Section 411.1471(a)(1), Government Code;

(2) \$50 on conviction of an offense described by ~~[listed in]~~ Section 411.1471(a)(3), Government Code ~~[of that code]~~;

or

(3) \$34 on placement of the person on community supervision, including deferred adjudication community supervision, if the person is required to submit a DNA sample under Section 11(j), Article 42.12.

(h-1) The clerk of the court shall transfer to the comptroller any funds received under Subsection (a)(2) or (3) ~~[(a)(3)]~~. The comptroller shall credit the funds to the Department of Public Safety to help defray the cost of collecting or analyzing ~~[any analyses performed on]~~ DNA samples provided by defendants who are required to pay a court cost under this article.

SECTION 2. Section 102.021, Government Code, is amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL

1 PROCEDURE. A person convicted of an offense shall pay the  
2 following under the Code of Criminal Procedure, in addition to all  
3 other costs:

4 (1) court cost on conviction of any offense, other  
5 than a conviction of an offense relating to a pedestrian or the  
6 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
7 Procedure) . . . . . \$4;

8 (2) a fee for services of prosecutor (Art. 102.008,  
9 Code of Criminal Procedure) . . . . . \$25;

10 (3) fees for services of peace officer:

11 (A) issuing a written notice to appear in court  
12 for certain violations (Art. 102.011, Code of Criminal  
13 Procedure) . . . . . \$5;

14 (B) executing or processing an issued arrest  
15 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal  
16 Procedure) . . . . . \$50;

17 (C) summoning a witness (Art. 102.011, Code of  
18 Criminal Procedure) . . . . . \$5;

19 (D) serving a writ not otherwise listed (Art.  
20 102.011, Code of Criminal Procedure) . . . . . \$35;

21 (E) taking and approving a bond and, if  
22 necessary, returning the bond to courthouse (Art. 102.011, Code of  
23 Criminal Procedure) . . . . . \$10;

24 (F) commitment or release (Art. 102.011, Code of  
25 Criminal Procedure) . . . . . \$5;

26 (G) summoning a jury (Art. 102.011, Code of  
27 Criminal Procedure) . . . . . \$5;

- 1           (H) attendance of a prisoner in habeas corpus
- 2 case if prisoner has been remanded to custody or held to bail (Art.
- 3 [102.011](#), Code of Criminal Procedure) . . . . . \$8 each day;
- 4           (I) mileage for certain services performed (Art.
- 5 [102.011](#), Code of Criminal Procedure) . . . . . \$0.29 per mile; and
- 6           (J) services of a sheriff or constable who serves
- 7 process and attends examining trial in certain cases (Art. [102.011](#),
- 8 Code of Criminal Procedure) . . . . . not to exceed \$5;
- 9           (4) services of a peace officer in conveying a
- 10 witness outside the county (Art. [102.011](#), Code of
- 11 Criminal Procedure) . . . \$10 per day or part of a day, plus
- 12 actual necessary travel expenses;
- 13           (5) overtime of peace officer for time spent
- 14 testifying in the trial or traveling to or from testifying in the
- 15 trial (Art. [102.011](#), Code of Criminal Procedure) . . . actual cost;
- 16           (6) court costs on an offense relating to rules of the
- 17 road, when offense occurs within a school crossing zone (Art.
- 18 [102.014](#), Code of Criminal Procedure) . . . . . \$25;
- 19           (7) court costs on an offense of passing a school bus
- 20 (Art. [102.014](#), Code of Criminal Procedure) . . . . . \$25;
- 21           (8) court costs on an offense of truancy or
- 22 contributing to truancy (Art. [102.014](#), Code of Criminal
- 23 Procedure) . . . . . \$20;
- 24           (9) cost for visual recording of intoxication
- 25 arrest before conviction (Art. [102.018](#), Code of Criminal
- 26 Procedure) . . . . . \$15;
- 27           (10) cost of certain evaluations (Art. [102.018](#), Code

1 of Criminal Procedure) . . . . . actual cost;

2 (11) additional costs attendant to certain

3 intoxication convictions under Chapter 49, Penal Code, for

4 emergency medical services, trauma facilities, and trauma care

5 systems (Art. 102.0185, Code of Criminal Procedure) . . . . . \$100;

6 (12) additional costs attendant to certain child

7 sexual assault and related convictions, for child abuse

8 prevention programs (Art. 102.0186, Code of Criminal

9 Procedure) . . . . . \$100;

10 (13) court cost for DNA testing for certain felonies

11 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . . . \$250;

12 (14) court cost for DNA testing for certain

13 misdemeanors and felonies [~~the offense of public lewdness or~~

14 ~~indecent exposure~~] (Art. 102.020(a)(2), Code of Criminal

15 Procedure) . . . . . \$50;

16 (15) court cost for DNA testing for certain felonies

17 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . . . \$34;

18 (16) if required by the court, a restitution fee for

19 costs incurred in collecting restitution installments and for the

20 compensation to victims of crime fund (Art. 42.037, Code of

21 Criminal Procedure) . . . . . \$12;

22 (17) if directed by the justice of the peace or

23 municipal court judge hearing the case, court costs on

24 conviction in a criminal action (Art. 45.041, Code of

25 Criminal Procedure) . . . part or all of the costs as directed by

26 the judge; and

27 (18) costs attendant to convictions under Chapter 49,

1 Penal Code, and under Chapter 481, Health and Safety Code, to help  
2 fund drug court programs established under Chapter 122, 123, 124,  
3 or 125, Government Code, or former law (Art. 102.0178, Code of  
4 Criminal Procedure) . . . \$60.

5 SECTION 3. Section 411.142(c), Government Code, is amended  
6 to read as follows:

7 (c) The director may receive, analyze, store, and destroy a  
8 DNA record or DNA sample for the purposes described by Section  
9 411.143. If a DNA sample was collected solely for the purpose of  
10 creating a DNA record, the director may destroy the sample after any  
11 test results associated with the sample are entered into the DNA  
12 database and the CODIS database.

13 SECTION 4. The heading to Section 411.1471, Government  
14 Code, is amended to read as follows:

15 Sec. 411.1471. DNA RECORDS OF PERSONS ARRESTED FOR, CHARGED  
16 WITH, OR CONVICTED OF CERTAIN OFFENSES [~~FELONIES~~].

17 SECTION 5. Sections 411.1471(a), (b), and (f), Government  
18 Code, are amended to read as follows:

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

20 (1) indicted or waives indictment for a felony  
21 prohibited or punishable under any of the following Penal Code  
22 sections:

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

24 (B) Section 21.11;

25 (C) Section 22.011;

26 (D) Section 22.021;

27 (E) Section 25.02;

1 (F) Section 30.02(d);

2 (G) Section 43.05;

3 (H) Section 43.25;

4 (I) Section 43.26;

5 (J) Section 21.02; or

6 (K) Section 20A.03;

7 (2) arrested for a felony described by Subdivision (1)  
8 after having been previously convicted of or placed on deferred  
9 adjudication for an offense described by Subdivision (1) or an  
10 offense punishable under Section 30.02(c)(2), Penal Code; or

11 (3) convicted of an offense:

12 (A) under Title 5, Penal Code, other than an  
13 offense described by Subdivision (1), that is punishable as a Class  
14 A misdemeanor or any higher category of offense, except for an  
15 offense punishable as a Class A misdemeanor under Section 20.02,  
16 22.01, or 22.05, Penal Code; or

17 (B) under Section [~~21.07 or~~] 21.08, 25.04, 43.03,  
18 or 43.24, Penal Code.

19 (b) After a defendant described by Subsection (a)(1) is  
20 indicted or waives indictment, the court in which the case is  
21 pending shall require the defendant to provide to a law enforcement  
22 agency one or more specimens for the purpose of creating a DNA  
23 record. A law enforcement agency arresting a defendant described  
24 by Subsection (a)(2), immediately after fingerprinting the  
25 defendant and at the same location as the fingerprinting occurs,  
26 shall require the defendant to provide one or more specimens for the  
27 purpose of creating a DNA record. After a defendant described by

1 Subsection (a)(3) is convicted [~~or placed on deferred~~  
2 ~~adjudication~~], the court shall require the defendant to provide to  
3 a law enforcement agency one or more specimens for the purpose of  
4 creating a DNA record.

5 (f) A defendant who provides a DNA sample under this section  
6 is not required to provide a DNA sample under Section 411.148 of  
7 this code or under Section 11(j), Article 42.12, Code of Criminal  
8 Procedure, unless the [~~an~~] attorney representing the state in the  
9 prosecution of the felony offense that makes Section 411.148 or  
10 11(j) applicable to the defendant [~~offenses~~] establishes to the  
11 satisfaction of the director that the interests of justice or  
12 public safety require that the defendant provide additional  
13 samples.

14 SECTION 6. The change in law made by this Act in amending  
15 Article 102.020, Code of Criminal Procedure, and Section 411.1471,  
16 Government Code, applies only to an offense committed on or after  
17 the effective date of this Act. An offense committed before the  
18 effective date of this Act is governed by the law in effect at the  
19 time the offense was committed, and the former law is continued in  
20 effect for that purpose. For purposes of this section, an offense  
21 was committed before the effective date of this Act if any element  
22 of the offense occurred before that date.

23 SECTION 7. This Act takes effect September 1, 2015.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 941 was passed by the House on April 22, 2015, by the following vote: Yeas 143, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 941 on May 19, 2015, by the following vote: Yeas 135, Nays 9, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 941 was passed by the Senate, with amendments, on May 12, 2015, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor