


TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR
Brandon S. Wood



P.O. Box 12985
Austin, Texas 78711
Voice: (512) 463-5505
Fax: (512) 463-3185
<http://www.tcjs.state.tx.us>
info@tcjs.state.tx.us

TECHNICAL ASSISTANCE MEMORANDUM #23-09

To: All Sheriffs and Jail Administrators
From: Brandon Wood, Executive Director 
Date: July 28, 2023

RE: HB3956 DNA Collection

The 88th Legislative Session produced **HB 3956** that impacts Texas county jails. This TA Memo is to assist you in identifying changes in law that may impact your operations. The Commission urges county jails to read the law and consult with your attorneys to ensure full compliance.

HB 3956 DNA records for a person arrested for a felony offense

SECTION 1. Article 55.01, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) For purposes of this article, records and files relating to an arrest include:

- (1) a DNA record created under Subchapter G, Chapter 411, Government Code;
- (2) any record of the collection of the specimen from which the DNA record was created; and
- (3) any record of the transfer of the specimen to the Department of Public Safety.

SECTION 3. Sections 411.1471(a), (b), and (e), Government Code, are amended to read as follows:

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

- (1) arrested for any offense punishable as a felony**
- (2) convicted of an offense:

(A) under Title 5, Penal Code, that is punishable as a Class A misdemeanor, except for an offense punishable as a Class A misdemeanor under Section 22.05, Penal Code; or

(B) punishable as a Class A or B misdemeanor, as applicable, under Section 21.08, 25.04, or 43.24, Penal Code.

(b) A law enforcement agency **booking** a defendant described by Subsection (a)(1), immediately after fingerprinting the defendant and at the same location as the fingerprinting occurs, shall require the defendant to provide one or more specimens for the purpose of creating a DNA record.