TEXAS DEPARTMENT OF PUBLIC SAFETY

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Statutory changes via HB1399, 86th Legislature, effective September 1, 2019, require that individuals **arrested** for certain felony charges submit a DNA sample to the Texas DPS CODIS (Combined DNA Index System) Program.

Qualifying felony offenses:

- Murder
- Capital Murder
- Kidnapping
- Aggravated Kidnapping
- Smuggling of Persons
- Continuous Smuggling of Persons
- Trafficking of Persons
- Continuous Trafficking of Persons
- Continuous Sexual Abuse of Young Child or Children
- Indecency with a Child
- Assault
- Sexual Assault
- Aggravated Assault
- Aggravated Sexual Assault
- Prohibited Sexual Conduct
- Robbery
- Aggravated Robbery
- Burglary
- Theft
- Promotion of Prostitution
- Aggravated Promotion of Prostitution
- Compelling Prostitution
- Sexual Performance by a Child
- Possession or Promotion of Child Pornography

Beginning September 1, 2019, arrestee booking/intake facilities will be required to collect DNA samples from qualifying individuals using the CODIS Buccal Swab Collection Kit available at no charge through the DPS CODIS Program. Kits can be ordered by contacting CODISLAB@dps.texas.gov. Policies regarding an arrestee's refusal to provide a sample should be addressed by your agency's legal counsel.

Minimally, the following actions are recommended to develop an effective collection process:

- Develop a point of contact between Texas DPS CODIS and the collecting agency.
- Determine which individuals arrested qualify for collection under the felony offenses listed.
- Check the qualifying arrestee's criminal history to determine if a DNA sample is already on file for the arrestee.
- Where possible during the fingerprinting process, use a LiveScan to print out a copy of the CR-45 Ten-Prints that are collected at the time of booking. The copy of these fingerprints needs to be included with the DNA kit. Inked prints on the DNA Database card present in the kit work, but the LiveScan ten-print card will ensure quality fingerprints and prevent sample rejection due to poor fingerprints.
- Escort the arrestee to an isolated area, such as a medical room/infirmary, to have the DNA sample collected using a CODIS Buccal Swab Collection Kit.
- Mail the kit as soon as possible.
- Keep record of this collection.

Please visit the Texas DPS CODIS website to view information about the DNA collection process, including a training video that is required viewing for individuals responsible for collecting the DNA samples. The website will continually be updated as resources are developed. If you have any questions or concerns, please contact us at CODISLAB@dps.texas.gov.

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Crime Lab Director