

By: Turner of Dallas, Sherman, Sr., Krause

H.B. No. 3334

Substitute the following for H.B. No. 3334:

By: Davis

C.S.H.B. No. 3334

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a criminal justice system sentencing database  
3 established by the Office of Court Administration of the Texas  
4 Judicial System.

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

6 SECTION 1. Chapter 72, Government Code, is amended by  
7 adding Subchapter H to read as follows:

8 SUBCHAPTER H. CRIMINAL JUSTICE SYSTEM SENTENCING DATABASE

9 Sec. 72.201. DEFINITION. In this subchapter, "database"  
10 means the criminal justice system sentencing database maintained  
11 under this subchapter.

12 Sec. 72.202. DATABASE. (a) The office shall create and  
13 maintain a database to collect, compile, and analyze data regarding  
14 the sentencing of defendants.

15 (b) The office shall compile data that includes, with  
16 respect to each defendant who has been convicted of a Class B  
17 misdemeanor or any higher category of offense:

18 (1) the defendant's age and the zip code of the  
19 defendant's primary residence at the time of the alleged offense;

20 (2) whether the defendant was determined to be  
21 indigent at any time during the defendant's criminal case;

22 (3) the defendant's race, ethnicity, and gender;

23 (4) the offenses, including the category of each  
24 offense, for which the defendant was sentenced;

1           (5) the provision of law under which the defendant was  
2 sentenced;

3           (6) the date on which the offense occurred and the date  
4 of the defendant's sentencing for that offense;

5           (7) the length of any term of imprisonment to which the  
6 defendant was sentenced, including any period of probation or  
7 community supervision, and if multiple sentences were ordered,  
8 whether the sentences were ordered to be served consecutively or  
9 concurrently;

10          (8) any court fees, fines, or amounts of restitution  
11 assessed or ordered and the amount of each;

12          (9) each charge brought against the defendant in a  
13 single criminal action, including any dismissed, amended, or  
14 reduced charges;

15          (10) any enhancements applied during sentencing;

16          (11) the amount and type of any bail ordered by the  
17 court;

18          (12) any credit for time served;

19          (13) whether the defendant was required to attend a  
20 diversionary or treatment program, and if so, which program;

21          (14) whether the defendant pleaded guilty, not guilty,  
22 or nolo contendere;

23          (15) any plea bargain agreement approved or rejected  
24 by the court;

25          (16) whether punishment was assessed by the jury, and  
26 if so, the jury's recommended sentence;

27          (17) if the defendant was convicted following trial,

1 whether the trial was a bench or jury trial;

2 (18) whether the defendant was represented by a  
3 private attorney, a court-appointed private attorney, or a  
4 court-appointed public defender or waived the right to  
5 representation;

6 (19) the category of correctional facility at which  
7 the defendant will serve confinement, if applicable; and

8 (20) if the offense was a drug offense, the identity  
9 and amount of controlled substance for which the defendant was  
10 convicted.

11 (c) Information maintained in the database under this  
12 section is not required to be removed from the database following an  
13 order of expunction issued with respect to that information.

14 Sec. 72.203. SUBMISSION OF INFORMATION BY COURTS. On final  
15 disposition of a defendant's case, the clerk of the sentencing  
16 court shall submit to the office, within the time period prescribed  
17 by the office, a written record of the data required under Section  
18 72.202, with respect to the defendant's case.

19 Sec. 72.204. PUBLISHED INFORMATION. (a) The office shall  
20 publish deidentified sentencing data from the information in the  
21 database on the office's Internet website in a modern, open,  
22 electronic format that is machine-readable and readily accessible  
23 by the public, free of charge. The office shall update the  
24 information on the Internet website on a monthly basis.

25 (b) The sentencing data must be searchable by:

26 (1) each data element described by Section 72.202(b);

27 and

1           (2) the county and circuit in which a court is located.

2           (c) The data published on the office's Internet website may  
3 not disclose the name or identifying information of a defendant or  
4 any other individual involved in the defendant's sentencing.

5           Sec. 72.205. REPORT. Not later than September 1 of each  
6 even-numbered year, the office shall submit a report to the  
7 governor and the legislature regarding the data compiled in the  
8 database.

9           Sec. 72.206. RULES. The office may adopt rules as necessary  
10 to implement this subchapter.

11           SECTION 2. The Office of Court Administration of the Texas  
12 Judicial System shall create the database described by Subchapter  
13 H, Chapter 72, Government Code, as added by this Act, as soon as  
14 practicable after the effective date of this Act.

15           SECTION 3. A court is not required to submit information to  
16 the Office of Court Administration of the Texas Judicial System  
17 under Section 72.203, Government Code, as added by this Act,  
18 regarding any sentencing that occurred before January 1, 2022.

19           SECTION 4. The Office of Court Administration of the Texas  
20 Judicial System shall begin publishing sentencing data under  
21 Section 72.204, Government Code, as added by this Act, on the  
22 office's Internet website not later than April 1, 2022.

23           SECTION 5. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2021.