

By: Bowers, et al.

H.B. No. 2043

Substitute the following for H.B. No. 2043:

By: Moody

C.S.H.B. No. 2043

A BILL TO BE ENTITLED

AN ACT

relating to a criminal justice system pretrial and sentencing database established by the Office of Court Administration of the Texas Judicial System.

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

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

SUBCHAPTER H. CRIMINAL JUSTICE SYSTEM PRETRIAL AND SENTENCING

DATABASE

Sec. 72.201. DATABASE. (a) The office shall establish and maintain a database to collect, compile, and analyze pretrial and sentencing information for each defendant arrested for an offense in this state.

(b) The office shall include in the database the following information for each defendant, as applicable:

(1) the cause number of the case;

(2) the court in which the case is pending;

(3) the defendant's:

(A) date of birth;

(B) race, ethnicity, and sex;

(C) primary language; and

(D) zip code and county of residence provided at arrest;

(4) the offense for which the defendant was arrested,

1 including the date the offense was committed and the punishment
2 classification level;

3 (5) the date and county of arrest;

4 (6) the date and time the person was taken to jail
5 after arrest;

6 (7) whether the defendant was determined to be
7 indigent for purposes of appointment of counsel under Article
8 26.04, Code of Criminal Procedure;

9 (8) information regarding bail in the case, including:

10 (A) the date bail was set;

11 (B) the name and position of the person setting
12 bail;

13 (C) the type of bail and, for a monetary bail
14 bond, the amount of bail;

15 (D) the date of the defendant's release on bail;

16 (E) whether the defendant filed an affidavit
17 under Article 17.028(f), Code of Criminal Procedure;

18 (F) any conditions of release on bail;

19 (G) whether the defendant was denied bail; and

20 (H) whether the defendant remained in jail after
21 bail was set;

22 (9) the length of pretrial confinement;

23 (10) any modification of the conditions of release on
24 bail after the defendant's release;

25 (11) whether the defendant failed to appear for a
26 scheduled court appearance;

27 (12) whether the defendant's release on bail was

1 revoked due to a violation of a condition of release;

2 (13) whether the defendant was arrested for committing
3 an offense while released on bail or community supervision in the
4 same county as the previous offense;

5 (14) the disposition of the case, including the
6 sentence imposed;

7 (15) the date the defendant's sentence commenced; and

8 (16) any credit for time served.

9 (c) Information in the database is public information and
10 subject to disclosure under Chapter 552.

11 Sec. 72.202. SUBMISSION OF INFORMATION. (a) Each law
12 enforcement agency in this state shall collect the information
13 described by Section 72.201(b) and, not later than the fifth day of
14 each month, submit the information to the clerk of the court in
15 which the applicable case is pending.

16 (b) Not later than the 10th day of each month, the clerk of
17 each court in this state with criminal jurisdiction shall submit to
18 the office, on a form prescribed by the office, the information
19 described by Section 72.201(b) with respect to defendants arrested
20 for offenses in the preceding month.

21 (c) In submitting the information, the law enforcement
22 agency and clerk shall include any updated or additional
23 information with respect to each defendant for whom information has
24 already been reported.

25 Sec. 72.203. PUBLISHED INFORMATION. (a) Except as
26 provided by Subsection (d), the office shall publish deidentified
27 pretrial and sentencing data from the database on the office's

1 Internet website in a modern, open, electronic format that is
2 machine-readable and readily accessible by the public free of
3 charge. The office shall update the information on the Internet
4 website on an annual basis.

5 (b) The published data must be searchable by each item of
6 information described by Section 72.201(b).

7 (c) The data published on the office's Internet website may
8 not disclose the name or identifying information of a defendant.

9 (d) The office may not publish data at the offense level for
10 any offense for which there are fewer than five arrests during a
11 year.

12 Sec. 72.204. RULES. The office may adopt rules as necessary
13 to implement this subchapter.

14 SECTION 2. As soon as practicable after the effective date
15 of this Act, the Office of Court Administration of the Texas
16 Judicial System shall establish the database described by Section
17 72.201, Government Code, as added by this Act.

18 SECTION 3. A law enforcement agency or court is not required
19 to submit information under Section 72.202, Government Code, as
20 added by this Act, with respect to any defendant arrested before the
21 effective date of this Act.

22 SECTION 4. The Office of Court Administration of the Texas
23 Judicial System shall begin publishing pretrial and sentencing data
24 under Section 72.203, Government Code, as added by this Act, not
25 later than January 1, 2024.

26 SECTION 5. This Act takes effect September 1, 2023.