

By: Johnson of Dallas

H.B. No. 3937

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

10 (8) the amount of each court fee and fine assessed and
11 the amount of any restitution ordered;

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 penalty enhancements applied during
16 sentencing;

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

19 (12) any credit for time served;

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

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

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

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

1 (17) if the defendant was convicted following trial,
2 whether the trial was a bench or jury trial;

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

7 (19) the category of facility at which the defendant
8 will serve a term of confinement or imprisonment, if applicable;
9 and

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

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

15 Sec. 72.203. SUBMISSION OF INFORMATION BY COURTS. On final
16 disposition of a defendant's case, the clerk of the sentencing
17 court shall submit to the office, within the time period prescribed
18 by the office, a written record of the data required under Section
19 72.202, with respect to the defendant's case.

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

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

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

1 and

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

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

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

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

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

16 SECTION 3. A court is not required to submit information to
17 the Office of Court Administration of the Texas Judicial System
18 under Section 72.203, Government Code, as added by this Act,
19 regarding any sentencing that occurred before January 1, 2024.

20 SECTION 4. The Office of Court Administration of the Texas
21 Judicial System shall begin publishing sentencing data under
22 Section 72.204, Government Code, as added by this Act, on the
23 office's Internet website not later than April 1, 2024.

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

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1 Act takes effect September 1, 2023.