

By: Haggerty

H.B. No. 785

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

relating to administration of the criminal history record system.

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

SECTION 1. Section 1, Article 42.01, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. A judgment is the written declaration of the court signed by the trial judge and entered of record showing the conviction or acquittal of the defendant. The sentence served shall be based on the information contained in the judgment. The judgment should reflect:

1. The title and number of the case;
2. That the case was called and the parties appeared, naming the attorney for the state, the defendant, and the attorney for the defendant, or, where a defendant is not represented by counsel, that the defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel;
3. The plea or pleas of the defendant to the offense charged;
4. Whether the case was tried before a jury or a jury was waived;
5. The submission of the evidence, if any;
6. In cases tried before a jury that the jury was charged by the court;
7. The verdict or verdicts of the jury or the finding

1 or findings of the court;

2 8. In the event of a conviction that the defendant is
3 adjudged guilty of the offense as found by the verdict of the jury
4 or the finding of the court, and that the defendant be punished in
5 accordance with the jury's verdict or the court's finding as to the
6 proper punishment;

7 9. In the event of conviction where death or any
8 punishment is assessed that the defendant be sentenced to death, a
9 term of confinement or community supervision, or to pay a fine, as
10 the case may be;

11 10. In the event of conviction where the imposition of
12 sentence is suspended and the defendant is placed on community
13 supervision, setting forth the punishment assessed, the length of
14 community supervision, and the conditions of community
15 supervision;

16 11. In the event of acquittal that the defendant be
17 discharged;

18 12. The county and court in which the case was tried
19 and, if there was a change of venue in the case, the name of the
20 county in which the prosecution was originated;

21 13. The offense or offenses for which the defendant
22 was convicted;

23 14. The date of the offense or offenses and degree of
24 offense for which the defendant was convicted;

25 15. The term of sentence;

26 16. The date judgment is entered;

27 17. The date sentence is imposed;

1 18. The date sentence is to commence and any credit for
2 time served;

3 19. The terms of any order entered pursuant to Article
4 42.08 of this code that the defendant's sentence is to run
5 cumulatively or concurrently with another sentence or sentences;

6 20. The terms of any plea bargain;

7 21. Affirmative findings entered pursuant to
8 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of
9 this code;

10 22. The terms of any fee payment ordered under
11 Articles 37.072 and 42.151 of this code;

12 23. The defendant's thumbprint taken in accordance
13 with Article 38.33 of this code;

14 24. In the event that the judge orders the defendant to
15 repay a reward or part of a reward under Articles 37.073 and 42.152
16 of this code, a statement of the amount of the payment or payments
17 required to be made;

18 25. In the event that the court orders restitution to
19 be paid to the victim, a statement of the amount of restitution
20 ordered and:

21 (A) the name of the victim and the permanent
22 mailing address of the victim at the time of the judgment; or

23 (B) if the court determines that the inclusion of
24 the victim's name and address in the judgment is not in the best
25 interest of the victim, the name and address of a person or agency
26 that will accept and forward restitution payments to the victim;

27 26. In the event that a presentence investigation is

1 required by Section 9(a), (b), (h), or (i), Article 42.12 of this
2 code, a statement that the presentence investigation was done
3 according to the applicable provision; ~~and~~

4 27. In the event of conviction of an offense for which
5 registration as a sex offender is required under Chapter 62, a
6 statement that the registration requirement of that chapter applies
7 to the defendant and a statement of the age of the victim of the
8 offense;

9 28. The defendant's state identification number
10 required by Section 60.052(a)(2), if that number has been assigned
11 at the time of the judgment; and

12 29. The incident number required by Section
13 60.052(a)(4), if that number has been assigned at the time of the
14 judgment.

15 SECTION 2. Article 60.03, Code of Criminal Procedure, is
16 amended by amending Subsections (b) and (c) and adding Subsection
17 (d) to read as follows:

18 (b) The council may obtain from ~~submit to~~ the Department
19 of Public Safety and the Texas Department of Criminal Justice
20 information in the criminal justice information system using
21 procedures for access established between the council and the
22 agencies ~~[an annual request for a data file containing data~~
23 ~~elements from the departments' systems. The Department of Public~~
24 ~~Safety and the Texas Department of Criminal Justice shall provide~~
25 ~~the council with that data file for the period requested. If the~~
26 ~~council submits data file requests other than the annual data file~~
27 ~~request, the director of the agency maintaining the requested~~

1 ~~records must approve the request].~~

2 (c) A ~~[Neither a]~~ criminal justice agency ~~[nor the council]~~
3 may not disclose to the public information in an individual's
4 criminal history record if the record is protected by state or
5 federal law or regulation.

6 (d) The council may use criminal history record information
7 obtained under this article to compile and disseminate statistics
8 related to the information. The council may not otherwise
9 disseminate any criminal history record information obtained under
10 this article.

11 SECTION 3. Article 60.18, Code of Criminal Procedure, is
12 amended to read as follows:

13 Art. 60.18. INFORMATION ON SUBSEQUENT ARREST OF CERTAIN
14 INDIVIDUALS. The Texas Department of Criminal Justice and the
15 Department of Public Safety shall develop the capability to send to
16 a community supervision and corrections department and ~~[r]~~ district
17 parole office~~[, and county data processing department]~~ by
18 electronic means information about the subsequent arrest of a
19 person under the supervision of the office or department.

20 SECTION 4. Article 60.21, Code of Criminal Procedure, is
21 amended to read as follows:

22 Art. 60.21. MONITORING TRACKING; INFORMATION SUBMISSION.

23 (a) The Department of Information Resources shall monitor the
24 development of the corrections tracking system by the Texas
25 Department of Criminal Justice to ensure implementation of the
26 system not later than June 1, 2005.

27 (b) ~~[Not later than January 1, 2003, the Department of~~

1 ~~Public Safety shall:~~

2 ~~(1) develop a plan to encourage local criminal~~
3 ~~justice agencies to report criminal history data to the Texas~~
4 ~~Department of Public Safety for inclusion in the computerized~~
5 ~~criminal history system as required by Chapter 60, Code of Criminal~~
6 ~~Procedure; and~~

7 ~~(2) evaluate the necessity of imposing sanctions on~~
8 ~~local criminal justice agencies that do not report criminal history~~
9 ~~data as required by Chapter 60, Code of Criminal Procedure.~~

10 [(c)] The Department of Public Safety shall:

11 (1) monitor the submission of arrest and disposition
12 information by local jurisdictions;

13 (2) annually submit to the Legislative Budget Board,
14 the governor, the state auditor, and the council a report regarding
15 the level of reporting by local jurisdictions; ~~and~~

16 (3) identify local jurisdictions that do not report
17 arrest or disposition information or that partially report
18 information;

19 (4) for use in determining the status of outstanding
20 dispositions, semianually submit to each local jurisdiction a
21 report listing each arrest made during the 12 months preceding the
22 date the report is submitted for which there is no corresponding
23 court disposition; and

24 (5) on a monthly basis create a report of felony
25 arrests made at least one year before the date of the report and
26 misdemeanor arrests made at least six months before the date of the
27 report for which there is no corresponding court disposition.

1 (c) The Department of Public Safety shall contact local
2 reporting agencies to determine the status of each arrest described
3 by Subsection (b)(5).

4 ~~[(d) This article expires December 31, 2005.]~~

5 SECTION 5. The following articles of the Code of Criminal
6 Procedure are repealed:

- 7 (1) 60.10;
8 (2) 60.11;
9 (3) 60.13;
10 (4) 60.15;
11 (5) 60.16; and
12 (6) 60.17.

13 SECTION 6. Article 42.01, Code of Criminal Procedure, as
14 amended by this Act, applies only to a judgment entered by a court
15 on or after the effective date of this Act. A judgment entered by a
16 court before the effective date of this Act is covered by the law in
17 effect when the judgment was entered, and the former law is
18 continued in effect for this purpose.

19 SECTION 7. This Act takes effect September 1, 2003.