

1-1 By: Zaffirini S.B. No. 52
1-2 (In the Senate - Filed November 12, 2002; January 27, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 29, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 29, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 52 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the collection and analysis of information relating to
1-11 certain sexual offenses.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 411.042, Government Code, is amended by
1-14 amending Subsections (b) and (g) and adding Subsections (h) and (i)
1-15 to read as follows:

1-16 (b) The bureau of identification and records shall:

1-17 (1) procure and file for record photographs, pictures,
1-18 descriptions, fingerprints, measurements, and other pertinent
1-19 information of all persons arrested for or charged with a criminal
1-20 offense or convicted of a criminal offense, regardless of whether
1-21 the conviction is probated;

1-22 (2) collect information concerning the number and
1-23 nature of offenses reported or known to have been committed in the
1-24 state and the legal steps taken in connection with the offenses, and
1-25 other information useful in the study of crime and the
1-26 administration of justice, including information that enables the
1-27 bureau to create a statistical breakdown of [those] offenses in
1-28 which family violence was involved and a statistical breakdown of
1-29 offenses under Sections 22.011 and 22.021, Penal Code;

1-30 (3) make ballistic tests of bullets and firearms and
1-31 chemical analyses of bloodstains, cloth, materials, and other
1-32 substances for law enforcement officers of the state;

1-33 (4) cooperate with identification and crime records
1-34 bureaus in other states and the United States Department of
1-35 Justice;

1-36 (5) maintain a list of all previous background checks
1-37 for applicants for any position regulated under Chapter 1702,
1-38 Occupations Code, who have undergone a criminal history background
1-39 check under Section 411.119, if the check indicates a Class B
1-40 misdemeanor or equivalent offense or a greater offense; and

1-41 (6) collect information concerning the number and
1-42 nature of protective orders and all other pertinent information
1-43 about all persons on active protective orders. Information in the
1-44 law enforcement information system relating to an active protective
1-45 order shall include:

1-46 (A) the name, sex, race, date of birth, personal
1-47 descriptors, address, and county of residence of the person to whom
1-48 the order is directed;

1-49 (B) any known identifying number of the person to
1-50 whom the order is directed, including the person's social security
1-51 number or driver's license number;

1-52 (C) the name and county of residence of the
1-53 person protected by the order;

1-54 (D) the residence address and place of employment
1-55 or business of the person protected by the order, unless that
1-56 information is excluded from the order under Section 85.007, Family
1-57 Code;

1-58 (E) the child-care facility or school where a
1-59 child protected by the order normally resides or which the child
1-60 normally attends, unless that information is excluded from the
1-61 order under Section 85.007, Family Code;

1-62 (F) the relationship or former relationship
1-63 between the person who is protected by the order and the person to

2-1 whom the order is directed; and
2-2 (G) the date the order expires.

2-3 (g) The department may adopt reasonable rules under this
2-4 section relating to:

2-5 (1) law enforcement information systems maintained by
2-6 the department;

2-7 (2) the collection, maintenance, and correction of
2-8 records;

2-9 (3) reports of criminal history information submitted
2-10 to the department; ~~and~~

2-11 (4) active protective orders issued under Title 4
2-12 [~~Chapter 71~~], Family Code, and reporting procedures that ensure
2-13 that information relating to the issuance of an active protective
2-14 order and to the dismissal of an active protective order is reported
2-15 to the local law enforcement agency at the time of the order's
2-16 issuance or dismissal and entered by the local law enforcement
2-17 agency in the state's law enforcement information system; and

2-18 (5) the collection of information described by
2-19 Subsection (h).

2-20 (h) Information collected to perform a statistical
2-21 breakdown of offenses under Sections 22.011 and 22.021, Penal Code,
2-22 as required by Subsection (b)(2), must include information
2-23 indicating the specific offense committed and information
2-24 regarding:

2-25 (1) the victim;

2-26 (2) the offender and the offender's relationship to
2-27 the victim;

2-28 (3) any weapons used or exhibited in the commission of
2-29 the offense;

2-30 (4) any controlled substances used to facilitate the
2-31 commission of the offense;

2-32 (5) any injuries sustained by the victim; and

2-33 (6) whether a forensic medical examination described
2-34 by Article 56.06, Code of Criminal Procedure, was performed.

2-35 (i) A law enforcement agency shall report offenses under
2-36 Section 22.011 or 22.021, Penal Code, to the department in the form
2-37 and manner and at regular intervals as prescribed by rules adopted
2-38 by the department. The report must include the information
2-39 described by Subsection (h).

2-40 SECTION 2. In consultation with statewide, nonprofit sexual
2-41 assault programs, the Department of Public Safety of the State of
2-42 Texas shall establish the rules and procedures necessary to comply
2-43 with Section 411.042, Government Code, as amended by this Act, not
2-44 later than October 1, 2003.

2-45 SECTION 3. This Act takes effect September 1, 2003.

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