

By: Lucio

S.B. No. 851

A BILL TO BE ENTITLED

AN ACT

relating to collecting and reporting information concerning certain Class C misdemeanors involving family violence.

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

SECTION 1. Article 5.02, Code of Criminal Procedure, is amended to read as follows:

Art. 5.02. DEFINITIONS. In this chapter, "family violence," "family," "household," and "member of a household" have the meanings assigned by Chapter 71 [~~Section 71.01~~], Family Code.

SECTION 2. Article 5.05(a), Code of Criminal Procedure, is amended to read as follows:

(a) A peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence, including an incident or disturbance in violation of Section 22.01(a)(2) or (3), Penal Code, shall make a written report, including [~~but not limited to~~]:

- (1) the names of the suspect and complainant;
- (2) the date, time, and location of the incident;
- (3) any visible or reported injuries; and
- (4) a description of the incident and a statement of its disposition.

SECTION 3. Article 60.01, Code of Criminal Procedure, is amended by adding Subdivision (17) to read as follows:

(17) "Family violence" has the meaning assigned by

1 Section 71.004, Family Code.

2 SECTION 4. Article 60.05, Code of Criminal Procedure, is
3 amended to read as follows:

4 Art. 60.05. TYPES OF INFORMATION COLLECTED. The criminal
5 justice information system must contain but is not limited to the
6 following types of information for each arrest for a felony, ~~or~~ a
7 misdemeanor not punishable by fine only, or a misdemeanor under
8 Section 22.01(a)(2) or (3), Penal Code, involving family violence
9 and punishable by fine only:

- 10 (1) information relating to offenders;
11 (2) information relating to arrests;
12 (3) information relating to prosecutions;
13 (4) information relating to the disposition of cases
14 by courts;
15 (5) information relating to sentencing; and
16 (6) information relating to the handling of offenders
17 received by a correctional agency, facility, or other institution.

18 SECTION 5. Article 60.08(b), Code of Criminal Procedure, is
19 amended to read as follows:

20 (b) The arresting agency shall prepare a uniform incident
21 fingerprint card and initiate the reporting process for each
22 offender charged with a felony, ~~or~~ a misdemeanor not punishable
23 by fine only, or a misdemeanor under Section 22.01(a)(2) or (3),
24 Penal Code, involving family violence and punishable by fine only.

25 SECTION 6. (a) This Act takes effect September 1, 2003.

26 (b) The change in law made by this Act applies only to an
27 offense committed on or after September 1, 2003. An offense

1 committed before September 1, 2003, is covered by the law in effect
2 when the offense was committed, and the former law is continued in
3 effect for that purpose. For purposes of this subsection, an
4 offense was committed before September 1, 2003, if any element of
5 the offense was committed before that date.