

By: Haggerty

H.B. No. 967

Substitute the following for H.B. No. 967:

By: Hartnett

C.S.H.B. No. 967

A BILL TO BE ENTITLED

AN ACT

relating to administration of the criminal justice information system.

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

SECTION 1. Sections 1 and 4, Article 42.01, Code of Criminal Procedure, are 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 shall [~~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;

1 7. The verdict or verdicts of the jury or the finding
2 or findings of the court;

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

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

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

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

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

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

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

26 15. The term of sentence;

27 16. The date judgment is entered;

- 1 17. The date sentence is imposed;
- 2 18. The date sentence is to commence and any credit for
3 time served;
- 4 19. The terms of any order entered pursuant to Article
5 42.08 of this code that the defendant's sentence is to run
6 cumulatively or concurrently with another sentence or sentences;
- 7 20. The terms of any plea bargain;
- 8 21. Affirmative findings entered pursuant to
9 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of
10 this code;
- 11 22. The terms of any fee payment ordered under Article
12 [~~Articles 37.072 and~~] 42.151 of this code;
- 13 23. The defendant's thumbprint taken in accordance
14 with Article 38.33 of this code;
- 15 24. In the event that the judge orders the defendant to
16 repay a reward or part of a reward under Articles 37.073 and 42.152
17 of this code, a statement of the amount of the payment or payments
18 required to be made;
- 19 25. In the event that the court orders restitution to
20 be paid to the victim, a statement of the amount of restitution
21 ordered and:
- 22 (A) the name of the victim and the permanent
23 mailing address of the victim at the time of the judgment; or
- 24 (B) if the court determines that the inclusion of
25 the victim's name and address in the judgment is not in the best
26 interest of the victim, the name and address of a person or agency
27 that will accept and forward restitution payments to the victim;

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

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

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

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

16 Sec. 4. The Office of Court Administration of the Texas
17 Judicial System shall promulgate a standardized felony judgment
18 form that conforms to the requirements of Section 1 of this article.
19 A court entering a felony judgement shall use the form promulgated
20 under this section.

21 SECTION 2. Article 60.18, Code of Criminal Procedure, is
22 amended to read as follows:

23 Art. 60.18. INFORMATION ON SUBSEQUENT ARREST OF CERTAIN
24 INDIVIDUALS. The Texas Department of Criminal Justice and the
25 Department of Public Safety shall develop the capability to send
26 ~~[to a community supervision and corrections department, district~~
27 ~~parole office, and county data processing department]~~ by electronic

1 means information about the subsequent arrest of a person under
2 [~~the~~] supervision to, as applicable:

3 (1) the community supervision and corrections
4 department serving the court of original jurisdiction; or

5 (2) the district parole office supervising the person
6 [~~of the office or department~~].

7 SECTION 3. Article 60.21, Code of Criminal Procedure, is
8 amended to read as follows:

9 Art. 60.21. MONITORING TRACKING; INFORMATION SUBMISSION.

10 (a) The Department of Information Resources shall monitor the
11 development of the corrections tracking system by the Texas
12 Department of Criminal Justice to ensure implementation of the
13 system not later than June 1, 2005.

14 (b) [~~Not later than January 1, 2003, the Department of~~
15 ~~Public Safety shall:~~

16 [~~(1) develop a plan to encourage local criminal~~
17 ~~justice agencies to report criminal history data to the Texas~~
18 ~~Department of Public Safety for inclusion in the computerized~~
19 ~~criminal history system as required by Chapter 60, Code of Criminal~~
20 ~~Procedure, and~~

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

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

25 (1) monitor the submission of arrest and disposition
26 information by local jurisdictions;

27 (2) annually submit to the Legislative Budget Board,

1 the governor, the state auditor, and the council a report regarding
2 the level of reporting by local jurisdictions; ~~and~~

3 (3) identify local jurisdictions that do not report
4 arrest or disposition information or that partially report
5 information; and

6 (4) for use in determining the status of outstanding
7 dispositions, publish monthly on the Department of Public Safety's
8 Internet website or on another electronic publication a report
9 listing each arrest by local jurisdiction for which there is no
10 corresponding final court disposition.

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

12 SECTION 4. Section 521.142(a), Transportation Code, is
13 amended to read as follows:

14 (a) An application for an original license must state the
15 applicant's full name and place and date of birth. This information
16 must be verified by presentation of proof of identity satisfactory
17 to the department. The department must accept as satisfactory
18 proof of identity under this subsection an offender identification
19 card or similar form of identification issued to an inmate by the
20 Texas Department of Criminal Justice.

21 SECTION 5. Section 522.021, Transportation Code, is amended
22 by adding Subsection (c-1) to read as follows:

23 (c-1) If the department requires proof of an applicant's
24 identity as part of an application under this section, the
25 department must accept as satisfactory proof of identity an
26 offender identification card or similar form of identification
27 issued to an inmate by the Texas Department of Criminal Justice.

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

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

9 SECTION 7. Article 42.01, Code of Criminal Procedure, as
10 amended by this Act, applies only to a judgment entered by a court
11 on or after the effective date of this Act. A judgment entered by a
12 court before the effective date of this Act is covered by the law in
13 effect when the judgment was entered, and the former law is
14 continued in effect for this purpose.

15 SECTION 8. This Act takes effect September 1, 2005.