

1-1 By: Haggerty (Senate Sponsor - Whitmire) H.B. No. 967
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2005, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to administration of the criminal justice information
1-9 system.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 1 and 4, Article 42.01, Code of Criminal
1-12 Procedure, are amended to read as follows:

1-13 Sec. 1. A judgment is the written declaration of the court
1-14 signed by the trial judge and entered of record showing the
1-15 conviction or acquittal of the defendant. The sentence served
1-16 shall be based on the information contained in the judgment. The
1-17 judgment shall [~~should~~] reflect:

1-18 1. The title and number of the case;

1-19 2. That the case was called and the parties appeared,
1-20 naming the attorney for the state, the defendant, and the attorney
1-21 for the defendant, or, where a defendant is not represented by
1-22 counsel, that the defendant knowingly, intelligently, and
1-23 voluntarily waived the right to representation by counsel;

1-24 3. The plea or pleas of the defendant to the offense
1-25 charged;

1-26 4. Whether the case was tried before a jury or a jury
1-27 was waived;

1-28 5. The submission of the evidence, if any;

1-29 6. In cases tried before a jury that the jury was
1-30 charged by the court;

1-31 7. The verdict or verdicts of the jury or the finding
1-32 or findings of the court;

1-33 8. In the event of a conviction that the defendant is
1-34 adjudged guilty of the offense as found by the verdict of the jury
1-35 or the finding of the court, and that the defendant be punished in
1-36 accordance with the jury's verdict or the court's finding as to the
1-37 proper punishment;

1-38 9. In the event of conviction where death or any
1-39 punishment is assessed that the defendant be sentenced to death, a
1-40 term of confinement or community supervision, or to pay a fine, as
1-41 the case may be;

1-42 10. In the event of conviction where the imposition of
1-43 sentence is suspended and the defendant is placed on community
1-44 supervision, setting forth the punishment assessed, the length of
1-45 community supervision, and the conditions of community
1-46 supervision;

1-47 11. In the event of acquittal that the defendant be
1-48 discharged;

1-49 12. The county and court in which the case was tried
1-50 and, if there was a change of venue in the case, the name of the
1-51 county in which the prosecution was originated;

1-52 13. The offense or offenses for which the defendant
1-53 was convicted;

1-54 14. The date of the offense or offenses and degree of
1-55 offense for which the defendant was convicted;

1-56 15. The term of sentence;

1-57 16. The date judgment is entered;

1-58 17. The date sentence is imposed;

1-59 18. The date sentence is to commence and any credit for
1-60 time served;

1-61 19. The terms of any order entered pursuant to Article
1-62 42.08 of this code that the defendant's sentence is to run
1-63 cumulatively or concurrently with another sentence or sentences;

1-64 20. The terms of any plea bargain;

2-1 21. Affirmative findings entered pursuant to
2-2 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of
2-3 this code;

2-4 22. The terms of any fee payment ordered under Article
2-5 ~~[Articles 37.072 and]~~ 42.151 of this code;

2-6 23. The defendant's thumbprint taken in accordance
2-7 with Article 38.33 of this code;

2-8 24. In the event that the judge orders the defendant to
2-9 repay a reward or part of a reward under Articles 37.073 and 42.152
2-10 of this code, a statement of the amount of the payment or payments
2-11 required to be made;

2-12 25. In the event that the court orders restitution to
2-13 be paid to the victim, a statement of the amount of restitution
2-14 ordered and:

2-15 (A) the name of the victim and the permanent
2-16 mailing address of the victim at the time of the judgment; or

2-17 (B) if the court determines that the inclusion of
2-18 the victim's name and address in the judgment is not in the best
2-19 interest of the victim, the name and address of a person or agency
2-20 that will accept and forward restitution payments to the victim;

2-21 26. In the event that a presentence investigation is
2-22 required by Section 9(a), (b), (h), or (i), Article 42.12 of this
2-23 code, a statement that the presentence investigation was done
2-24 according to the applicable provision; ~~and]~~

2-25 27. In the event of conviction of an offense for which
2-26 registration as a sex offender is required under Chapter 62, a
2-27 statement that the registration requirement of that chapter applies
2-28 to the defendant and a statement of the age of the victim of the
2-29 offense;

2-30 28. The defendant's state identification number
2-31 required by Section 60.052(a)(2), if that number has been assigned
2-32 at the time of the judgment; and

2-33 29. The incident number required by Section
2-34 60.052(a)(4), if that number has been assigned at the time of the
2-35 judgment.

2-36 Sec. 4. The Office of Court Administration of the Texas
2-37 Judicial System shall promulgate a standardized felony judgment
2-38 form that conforms to the requirements of Section 1 of this article.
2-39 A court entering a felony judgement shall use the form promulgated
2-40 under this section.

2-41 SECTION 2. Article 60.18, Code of Criminal Procedure, is
2-42 amended to read as follows:

2-43 Art. 60.18. INFORMATION ON SUBSEQUENT ARREST OF CERTAIN
2-44 INDIVIDUALS. The Texas Department of Criminal Justice and the
2-45 Department of Public Safety shall develop the capability to send
2-46 ~~[to a community supervision and corrections department, district~~
2-47 ~~parole office, and county data processing department]~~ by electronic
2-48 means information about the subsequent arrest of a person under
2-49 ~~[the]~~ supervision to, as applicable:

2-50 (1) the community supervision and corrections
2-51 department serving the court of original jurisdiction; or

2-52 (2) the district parole office supervising the person
2-53 [of the office or department].

2-54 SECTION 3. Article 60.21, Code of Criminal Procedure, is
2-55 amended to read as follows:

2-56 Art. 60.21. MONITORING TRACKING; INFORMATION SUBMISSION.

2-57 (a) The Department of Information Resources shall monitor the
2-58 development of the corrections tracking system by the Texas
2-59 Department of Criminal Justice to ensure implementation of the
2-60 system not later than June 1, 2005.

2-61 (b) ~~[Not later than January 1, 2003, the Department of~~
2-62 ~~Public Safety shall:~~

2-63 ~~[(1) develop a plan to encourage local criminal~~
2-64 ~~justice agencies to report criminal history data to the Texas~~
2-65 ~~Department of Public Safety for inclusion in the computerized~~
2-66 ~~criminal history system as required by Chapter 60, Code of Criminal~~
2-67 ~~Procedure; and~~

2-68 ~~[(2) evaluate the necessity of imposing sanctions on~~
2-69 ~~local criminal justice agencies that do not report criminal history~~

~~data as required by Chapter 60, Code of Criminal Procedure.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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