

By: Thompson

H.B. No. 3106

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Institute on Race, Crime, and Justice at the University of North Texas at Dallas to examine and provide training regarding racial profiling by law enforcement and participation by members of certain underrepresented racial or ethnic groups in law enforcement.

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

SECTION 1. Subchapter J, Chapter 105, Education Code, is amended by adding Section 105.503 to read as follows:

Sec. 105.503. INSTITUTE ON RACE, CRIME, AND JUSTICE. (a)
In this section:

(1) "Institute" means the Institute on Race, Crime, and Justice.

(2) "Law enforcement agency" has the meaning assigned by Article 2.132, Code of Criminal Procedure.

(3) "Racial profiling" has the meaning assigned by Article 3.05, Code of Criminal Procedure.

(b) The board shall establish and operate the Institute on Race, Crime, and Justice at the University of North Texas at Dallas to examine and provide training regarding issues of race, crime, and justice in this state.

(b-1) Until the University of North Texas at Dallas operates as a general academic teaching institution, the board shall establish and operate the institute at the University of North

1 Texas campus at Dallas.

2 (c) The institute is under the supervision and direction of
3 the board. The board shall approve the employment of personnel by
4 and the operating budget of the institute. An employee of the
5 institute is an employee of the university.

6 (d) The institute shall establish a program to:

7 (1) review and analyze all racial profiling data
8 submitted to the institute under Articles 2.132 and 2.134, Code of
9 Criminal Procedure, including a review and analysis of:

10 (A) the discretionary and nondiscretionary
11 motives of law enforcement officers for making traffic stops; and

12 (B) the percentage of persons subjected to
13 traffic stops in each political subdivision of this state who are
14 not residents of that political subdivision; and

15 (2) develop and sponsor training for law enforcement
16 management personnel in:

17 (A) racial profiling prevention;

18 (B) effective recruitment of members of
19 underrepresented racial or ethnic groups as candidates for careers
20 in law enforcement;

21 (C) promotion practices conducive to career
22 advancement of law enforcement officers from underrepresented
23 racial or ethnic groups;

24 (D) community engagement and partnership with
25 neighborhoods or communities inhabited by and businesses owned by
26 members of underrepresented racial or ethnic groups;

27 (E) conflict management in the context of law

1 enforcement agencies, the criminal justice system, and the
2 community, emphasizing crimes and other activities motivated by
3 race, religion, age, gender, or ethnicity; and

4 (F) human resource management issues in law
5 enforcement.

6 (e) The institute shall:

7 (1) not later than July 1 of each year, provide on the
8 university's or institute's Internet website an annual report
9 regarding the results of the institute's examination of racial
10 profiling practices in this state for the preceding year; and

11 (2) not later than November 1 of each even-numbered
12 year, submit to the legislature a report containing any proposals
13 the institute recommends for legislation to reduce or eliminate
14 racial profiling in law enforcement.

15 (f) The board may establish reasonable charges for
16 participation by law enforcement management personnel in institute
17 training programs. The board shall deposit any money from the
18 charges to the credit of the Institute on Race, Crime, and Justice
19 fund described by Subsection (g).

20 (g) The Institute on Race, Crime, and Justice fund is a
21 separate account in the general revenue fund. Money in the account
22 may be used by the board only to establish and operate the
23 institute. Section 403.095(b), Government Code, does not apply to
24 the account.

25 SECTION 2. Articles 2.132(b) and (e), Code of Criminal
26 Procedure, are amended to read as follows:

27 (b) Each law enforcement agency in this state shall adopt a

1 detailed written policy on racial profiling. The policy must:

2 (1) clearly define acts constituting racial
3 profiling;

4 (2) strictly prohibit peace officers employed by the
5 agency from engaging in racial profiling;

6 (3) implement a process by which an individual may
7 file a complaint with the agency if the individual believes that a
8 peace officer employed by the agency has engaged in racial
9 profiling with respect to the individual;

10 (4) provide public education relating to the agency's
11 complaint process;

12 (5) require appropriate corrective action to be taken
13 against a peace officer employed by the agency who, after an
14 investigation, is shown to have engaged in racial profiling in
15 violation of the agency's policy adopted under this article;

16 (6) require collection of information relating to
17 traffic stops in which a citation is issued and to arrests resulting
18 from those traffic stops, including information relating to:

19 (A) the race or ethnicity of the individual
20 detained; and

21 (B) whether a search was conducted and, if so,
22 whether the person detained consented to the search; and

23 (7) require the agency to submit, not later than
24 February 15 of each year, ~~[to the governing body of each county or~~
25 ~~municipality served by the agency]~~ an annual report of the
26 information collected under Subdivision (6):

27 (A) to the governing body of each county or

1 municipality served by the agency, if the agency is an agency of a
2 county, municipality, or other political subdivision of the state;
3 and

4 (B) to the Institute on Race, Crime, and Justice
5 established under Section 105.503, Education Code, in a manner
6 approved by the institute.

7 (e) A report required under Subsection (b)(7) must ~~[may not]~~
8 include identifying information about a peace officer who makes a
9 traffic stop or about an individual who is stopped or arrested by a
10 peace officer, but the identifying information is confidential and
11 may not be released to the public. ~~[This subsection does not affect~~
12 ~~the collection of information as required by a policy under~~
13 ~~Subsection (b)(6).]~~

14 SECTION 3. Articles 2.134(b) and (d), Code of Criminal
15 Procedure, are amended to read as follows:

16 (b) A law enforcement agency shall compile and analyze the
17 information contained in each report received by the agency under
18 Article 2.133. Not later than February 15 ~~[March 1]~~ of each year,
19 each local law enforcement agency shall submit a report containing
20 the information compiled during the previous calendar year to:

21 (1) the governing body of each county or municipality
22 served by the agency, in a manner approved by the agency; and

23 (2) the Institute on Race, Crime, and Justice
24 established under Section 105.503, Education Code, in a manner
25 approved by the institute.

26 (d) A report required under Subsection (b) must ~~[may not]~~
27 include identifying information about a peace officer who makes a

1 traffic or pedestrian stop or about an individual who is stopped or
2 arrested by a peace officer, but the identifying information is
3 confidential and may not be released to the public. [~~This~~
4 ~~subsection does not affect the reporting of information required~~
5 ~~under Article 2.133(b)(1).~~]

6 SECTION 4. Article 2.135(a), Code of Criminal Procedure, is
7 amended to read as follows:

8 (a) With respect to pedestrian stops only, a [A] peace
9 officer is exempt from the reporting requirement under Article
10 2.133 and a law enforcement agency is exempt from the compilation,
11 analysis, and reporting requirements under Article 2.134 if:

12 (1) during the calendar year preceding the date that a
13 report under Article 2.134 is required to be submitted:

14 (A) each law enforcement motor vehicle regularly
15 used by an officer employed by the agency to make [~~traffic and~~]
16 pedestrian stops is equipped with video camera and
17 transmitter-activated equipment and each law enforcement
18 motorcycle regularly used to make [~~traffic and~~] pedestrian stops is
19 equipped with transmitter-activated equipment; and

20 (B) each [~~traffic and~~] pedestrian stop made by an
21 officer employed by the agency that is capable of being recorded by
22 video and audio or audio equipment, as appropriate, is recorded by
23 using the equipment; or

24 (2) the governing body of the county or municipality
25 served by the law enforcement agency, in conjunction with the law
26 enforcement agency, certifies to the Department of Public Safety,
27 not later than the date specified by rule by the department, that

1 the law enforcement agency needs funds or video and audio equipment
2 for the purpose of installing video and audio equipment as
3 described by Subsection (a)(1)(A) and the agency does not receive
4 from the state funds or video and audio equipment sufficient, as
5 determined by the department, for the agency to accomplish that
6 purpose.

7 SECTION 5. Subchapter A, Chapter 102, Code of Criminal
8 Procedure, is amended by adding Article 102.022 to read as follows:

9 Art. 102.022. COSTS ON CONVICTION TO FUND INSTITUTE ON
10 RACE, CRIME, AND JUSTICE. (a) In this article, "moving violation"
11 means an offense that:

12 (1) involves the operation of a motor vehicle; and

13 (2) is classified as a moving violation by the
14 Department of Public Safety under Section 708.052, Transportation
15 Code.

16 (b) A defendant convicted of a moving violation in a justice
17 court, county court, county court at law, or municipal court shall
18 pay a \$0.25 fee as a cost of court.

19 (c) In this article, a person is considered convicted if:

20 (1) a sentence is imposed on the person;

21 (2) the person receives community supervision,
22 including deferred adjudication; or

23 (3) the court defers final disposition of the person's
24 case.

25 (d) The clerks of the respective courts shall collect the
26 costs described by this article. The clerk shall keep separate
27 records of the funds collected as costs under this article and shall

1 deposit the funds in the county or municipal treasury, as
2 appropriate.

3 (e) The custodian of a county or municipal treasury shall:

4 (1) keep records of the amount of funds on deposit
5 collected under this article; and

6 (2) send to the comptroller before the last day of the
7 first month following each calendar quarter the funds collected
8 under this article during the preceding quarter.

9 (f) A county or municipality may retain 10 percent of the
10 funds collected under this article by an officer of the county or
11 municipality as a collection fee if the custodian of the county or
12 municipal treasury complies with Subsection (e).

13 (g) If no funds due as costs under this article are
14 deposited in a county or municipal treasury in a calendar quarter,
15 the custodian of the treasury shall file the report required for the
16 quarter in the regular manner and must state that no funds were
17 collected.

18 (h) The comptroller shall deposit the funds received under
19 this article to the credit of the Institute on Race, Crime, and
20 Justice fund in the general revenue fund.

21 (i) Funds collected under this article are subject to audit
22 by the comptroller.

23 SECTION 6. Section 102.061, Government Code, is amended to
24 read as follows:

25 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
26 STATUTORY COUNTY COURT. The clerk of a statutory county court shall
27 collect fees and costs on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$20;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$5;

(5A) a race, crime, and justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.25; and

(6) a court cost on conviction in Comal County (Sec. 152.0522, Human Resources Code) . . . \$4.

SECTION 7. Section 102.081, Government Code, is amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT. The clerk of a county court shall collect fees and costs on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$20;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~

(5) a graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$5; and

(6) a race, crime, and justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.25.

SECTION 8. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT. A clerk of a justice court shall collect fees and costs on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . not to exceed \$4;

(5A) a race, crime, and justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.25; and

(6) a court cost on conviction in Comal County (Sec. 152.0522, Human Resources Code) . . . \$1.50.

SECTION 9. Section 102.121, Government Code, is amended to read as follows:

1 Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN
2 MUNICIPAL COURT. The clerk of a municipal court shall collect fees
3 and costs on conviction of a defendant as follows:

4 (1) a jury fee (Art. 102.004, Code of Criminal
5 Procedure) . . . \$3;

6 (2) a fee for withdrawing request for jury less than 24
7 hours before time of trial (Art. 102.004, Code of Criminal
8 Procedure) . . . \$3;

9 (3) a jury fee for two or more defendants tried jointly
10 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of
11 \$3;

12 (4) a security fee on a misdemeanor offense (Art.
13 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~

14 (5) a fee for technology fund on a misdemeanor offense
15 (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4;
16 and

17 (6) a race, crime, and justice fee (Art. 102.022, Code
18 of Criminal Procedure) . . . \$0.25.

19 SECTION 10. The imposition of a cost of court under Article
20 102.022, Code of Criminal Procedure, as added by this Act, applies
21 only to an offense committed on or after the effective date of this
22 Act. An offense committed before the effective date of this Act is
23 covered by the law in effect when the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense was committed before that
27 date.

H.B. No. 3106

1 SECTION 11. This Act takes effect September 1, 2005.