

By: Zaffirini

S.B. No. 38

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the collection and analysis of information relating to
3 certain sexual offenses.

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

5 SECTION 1. Section 411.042, Government Code, is amended by
6 amending Subsections (b) and (g) and adding Subsections (h) and (i)
7 to read as follows:

8 (b) The bureau of identification and records shall:

9 (1) procure and file for record photographs, pictures,
10 descriptions, fingerprints, measurements, and other pertinent
11 information of all persons arrested for or charged with a criminal
12 offense or convicted of a criminal offense, regardless of whether
13 the conviction is probated;

14 (2) collect information concerning the number and
15 nature of offenses reported or known to have been committed in the
16 state and the legal steps taken in connection with the offenses, and
17 other information useful in the study of crime and the
18 administration of justice, including information that enables the
19 bureau to create a statistical breakdown of [~~these~~] offenses in
20 which family violence was involved and a statistical breakdown of
21 offenses under Sections 22.011 and 22.021, Penal Code;

22 (3) make ballistic tests of bullets and firearms and
23 chemical analyses of bloodstains, cloth, materials, and other
24 substances for law enforcement officers of the state;

1 (4) cooperate with identification and crime records
2 bureaus in other states and the United States Department of
3 Justice;

4 (5) maintain a list of all previous background checks
5 for applicants for any position regulated under Chapter 1702,
6 Occupations Code, who have undergone a criminal history background
7 check under Section 411.119, if the check indicates a Class B
8 misdemeanor or equivalent offense or a greater offense; and

9 (6) collect information concerning the number and
10 nature of protective orders and all other pertinent information
11 about all persons on active protective orders. Information in the
12 law enforcement information system relating to an active protective
13 order shall include:

14 (A) the name, sex, race, date of birth, personal
15 descriptors, address, and county of residence of the person to whom
16 the order is directed;

17 (B) any known identifying number of the person to
18 whom the order is directed, including the person's social security
19 number or driver's license number;

20 (C) the name and county of residence of the
21 person protected by the order;

22 (D) the residence address and place of employment
23 or business of the person protected by the order, unless that
24 information is excluded from the order under Section 85.007, Family
25 Code;

26 (E) the child-care facility or school where a
27 child protected by the order normally resides or which the child

1 normally attends, unless that information is excluded from the
2 order under Section 85.007, Family Code;

3 (F) the relationship or former relationship
4 between the person who is protected by the order and the person to
5 whom the order is directed; and

6 (G) the date the order expires.

7 (g) The department may adopt reasonable rules under this
8 section relating to:

9 (1) law enforcement information systems maintained by
10 the department;

11 (2) the collection, maintenance, and correction of
12 records;

13 (3) reports of criminal history information submitted
14 to the department; ~~and~~

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

22 (5) the collection of information described by
23 Subsection (h).

24 (h) Information collected to perform a statistical
25 breakdown of offenses under Sections 22.011 and 22.021, Penal Code,
26 as required by Subsection (b)(2) must include information
27 indicating the specific offense committed and information

1 regarding:

2 (1) the victim;

3 (2) the offender and the offender's relationship to
4 the victim;

5 (3) any weapons used or exhibited in the commission of
6 the offense;

7 (4) any controlled substances used to facilitate the
8 commission of the offense;

9 (5) any injuries sustained by the victim; and

10 (6) whether a forensic medical examination described
11 by Article 56.06, Code of Criminal Procedure, was performed.

12 (i) A law enforcement agency shall report offenses under
13 Section 22.011 or 22.021, Penal Code, to the department in the form
14 and manner and at regular intervals as prescribed by rules adopted
15 by the department. The report must include the information
16 described by Subsection (h).

17 SECTION 2. In consultation with statewide, nonprofit sexual
18 assault programs, the Department of Public Safety of the State of
19 Texas shall establish the rules and procedures necessary to comply
20 with Section 411.042, Government Code, as amended by this Act, not
21 later than October 1, 2005.

22 SECTION 3. This Act takes effect September 1, 2005.