

By: Staples

S.B. No. 1427

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment by the Department of Public Safety of
3 a database for a tracking system for certain warrants.

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

5 SECTION 1. Chapter 60, Code of Criminal Procedure, is
6 amended by adding Article 60.22 to read as follows:

7 Art. 60.22. WARRANT DATABASE. (a) The Department of Public
8 Safety is responsible for collecting and recording data and
9 establishing and maintaining a database for a warrant tracking
10 system. The database must contain information relevant to tracking
11 for warrants issued by a justice or municipal court for Class C
12 misdemeanors or other offenses punishable by fine only, including
13 warrants issued by a justice or municipal court for offenses based
14 on a failure to appear.

15 (b) The department shall adopt rules governing the
16 operation of the database.

17 (c) An advisory committee shall advise the department on the
18 operation of the database. The committee is composed of two
19 justices of the peace appointed by the governor and two
20 representatives of the department appointed by the director.
21 Before the rules are published, the advisory committee is entitled
22 to review and comment on rules proposed for adoption by the
23 department under this article. The advisory committee is not
24 subject to Chapter 2110, Government Code.

1 (d) A magistrate who issues a warrant subject to inclusion
2 in the warrant database shall notify the department regarding the
3 issuance of the warrant and regarding the defendant's compliance
4 with the terms of appearance and the defendant's satisfaction of
5 the judgment.

6 SECTION 2. Section 411.042(b), Government Code, is amended
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 a statistical breakdown of
19 those offenses in which family violence was involved;

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

23 (4) cooperate with identification and crime records
24 bureaus in other states and the United States Department of
25 Justice;

26 (5) maintain a list of all previous background checks
27 for applicants for any position regulated under Chapter 1702,

1 Occupations Code, who have undergone a criminal history background
2 check under Section 411.119, if the check indicates a Class B
3 misdemeanor or equivalent offense or a greater offense; ~~and~~

4 (6) as described by Article 60.22, Code of Criminal
5 Procedure, establish and maintain a database for, and collect and
6 record, information concerning the number and nature of warrants
7 issued by municipal courts or justice courts for Class C
8 misdemeanors or other offenses punishable by fine only, including
9 offenses based on a failure to appear; and

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

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

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

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

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

27 (E) the child-care facility or school where a

1 child protected by the order normally resides or which the child
2 normally attends, unless that information is excluded from the
3 order under Section 85.007, Family Code;

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

7 (G) the date the order expires.

8 SECTION 3. (a) Not later than November 1, 2005, the governor
9 shall appoint two justices of the peace to serve on the advisory
10 committee created by Article 60.22(c), Code of Criminal Procedure,
11 as added by this Act.

12 (b) Not later than November 1, 2005, the director of the
13 Department of Public Safety of the State of Texas shall appoint two
14 employees of the department to serve on the advisory committee
15 created by Article 60.22(c), Code of Criminal Procedure, as added
16 by this Act.

17 (c) Not later than March 1, 2006, the Department of Public
18 Safety of the State of Texas shall adopt the rules required by
19 Article 60.22(b), Code of Criminal Procedure, as added by this Act.

20 SECTION 4. This Act takes effect September 1, 2005.