

BILL ANALYSIS

Senate Research Center

H.B. 76
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires the bureau of identification and records (bureau) within the Department of Public Safety (DPS) to collect certain information regarding offenses reported or known to have been committed in the state, including a statistical breakdown of those offenses in which family violence was involved. However, no statewide sexual assault data is required to be collected, and therefore, there is a lack of statewide statistics about sexual assault.

H.B. 76 requires the bureau to collect information regarding sexual assault and defines the specific sexual assault data that must be collected, including information about the offender and the offender's relationship to the victim, any weapons used, and any injuries sustained by the victim.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety is modified in SECTION 1 (Section 411.042, Government Code) of this bill..

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.042, Government Code, by amending Subsections (b) and (g) and adding Subsections (h) and (i), as follows:

(b) Requires the bureau of identification and records to collect certain information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of the offenses in which family violence was involved and of offenses under Sections 21.12 (Improper Relationship Between Educator and Student), 21.15 (Improper Photography or Visual Recording), 22.011 (Sexual Assault), and 22.021 (Aggravated Sexual Assault), Penal Code.

(g) Authorizes the Department of Public Safety (DPS) to adopt rules under this section relating to active protective orders issued under Title 4, rather than Chapter 71, Family Code, and relating to the collection of information described by Subsection (h).

(h) Requires information collected to perform a statistical breakdown of certain offense to include information indicating the specific offense committed and information regarding the victim, the offender and the offender's relationship to the victim, weapons used or exhibited in the commission of the offense, and any injuries sustained by the victim.

(i) Requires a law enforcement agency to report certain offenses to DPS in the form and manner and at regular intervals as proscribed by rules adopted by DPS, and requires the report to include the information described by Subsection (h).

SECTION 2. Requires DPS, in consultation with statewide, nonprofit sexual assault programs, to establish the rules and procedures necessary to comply with Section 411.042, Government Code, as amended by this Act, not later than October 1, 2007.

SECTION 3. Effective date: September 1, 2007.