

BILL ANALYSIS

H.B. 76
By: Naishtat
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Department of Public Safety is required to collect information from law enforcement agencies on offenses relating to family violence. However, there is no such requirement regarding sexual assaults. Without such data it is difficult for law enforcement and social service agencies to gain a clear understanding of sexual assault, or to identify trends and develop appropriate strategies to respond to incidents of sexual assault.

As proposed, H.B. 76 would require the Texas Department of Public Safety to collect information from law enforcement on offenses involving sexual assault and aggravated sexual assault. H.B. 76 would also require the Texas Department of Public Safety to establish and maintain a system of analyzing the data in a manner that would be useful for statistical purposes.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in Section 1 and Section 2 of this bill.

ANALYSIS

H.B. 76 amends Section 411 of the Government Code by requiring the Department of Public Safety - bureau of identification and records to collect information that enables the bureau to create a statistical breakdown of offenses involving sexual assault and aggravated sexual assault. The Bill also provides that the information collected relating to sexual assaults and aggravated sexual assaults is required to include information indicating the specific offense committed and information regarding the victim, the offender, the offender's relationship to the victim, any weapons used or exhibited in the commission of the offense, and any injuries sustained by the victim. The Department of Public Safety is authorized to adopt rules relating to the collection of this information.

The bill requires law enforcement agencies to report sexual assaults and aggravated sexual assaults to the Department of Public Safety in the form and manner and at regular intervals prescribed by rules adopted by the Department of Public Safety. These reports are required to include information indicating the specific offense committed as well as information regarding the victim, the offender, the offender's relationship to the victim, any weapons used or exhibited in the commission of the offense, and any injuries sustained by the victim. The bill states that in consultation with statewide, nonprofit sexual assault programs, the Department of Public Safety shall establish rules and procedures for the reporting of this information not later than October 1, 2007.

EFFECTIVE DATE

September 1, 2007.