

By: Naishtat, et al.

H.B. No. 76

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 21.12, 21.15, 22.011, and 22.021, Penal  
22 Code;

23 (3) make ballistic tests of bullets and firearms and  
24 chemical analyses of bloodstains, cloth, materials, and other

1 substances for law enforcement officers of the state;

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

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

10 (6) 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 (g) The department may adopt reasonable rules under this  
9 section relating to:

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

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

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

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

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

25 (h) Information collected to perform a statistical  
26 breakdown of offenses under Sections 21.12, 21.15, 22.011, and  
27 22.021, Penal Code, as required by Subsection (b)(2) must include

1 information indicating the specific offense committed and  
2 information regarding:

3 (1) the victim;

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

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

8 (4) any injuries sustained by the victim.

9 (i) A law enforcement agency shall report offenses under  
10 Section 21.12, 21.15, 22.011, or 22.021, Penal Code, to the  
11 department in the form and manner and at regular intervals as  
12 prescribed by rules adopted by the department. The report must  
13 include the information described by Subsection (h).

14 SECTION 2. In consultation with statewide, nonprofit sexual  
15 assault programs, the Department of Public Safety of the State of  
16 Texas shall establish the rules and procedures necessary to comply  
17 with Section 411.042, Government Code, as amended by this Act, not  
18 later than October 1, 2007.

19 SECTION 3. This Act takes effect September 1, 2007.