

By: Raymond

H.B. No. 4108

A BILL TO BE ENTITLED

AN ACT

relating to the operation of the Texas Data Exchange or any other similar comprehensive intelligence database.

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

SECTION 1. Section 421.003, Government Code, is amended to read as follows:

Sec. 421.003. CRIMINAL INTELLIGENCE INFORMATION; DATABASE MAINTENANCE. (a) The Department of Public Safety of the State of Texas is:

(1) the repository in this state for the collection of multijurisdictional criminal intelligence information that is about terrorist activities or otherwise related to homeland security activities; and

(2) the state agency that has sole [~~primary~~] responsibility to analyze and disseminate that information.

(b) Notwithstanding Section 421.002 or any other law, the Department of Public Safety of the State of Texas is the only state agency or state governmental entity that is authorized to develop, maintain, operate, and control access to the Texas Data Exchange or any other similar comprehensive intelligence database.

SECTION 2. Subchapter A, Chapter 421, Government Code, is amended by adding Section 421.005 to read as follows:

Sec. 421.005. CERTAIN CONTRACTS PROHIBITED; CERTAIN COOPERATION REQUIRED. (a) The governor may not contract with a

1 private entity to develop, maintain, or operate the Texas Data
2 Exchange or any other similar comprehensive intelligence database.

3 (b) The governor shall cooperate with the Department of
4 Public Safety of the State of Texas to:

5 (1) transfer to the department control of the Texas
6 Data Exchange or any other similar comprehensive intelligence
7 database and any information contained in the Texas Data Exchange
8 or any other similar comprehensive intelligence database; and

9 (2) enable the department to maintain and operate the
10 Texas Data Exchange or any other similar comprehensive intelligence
11 database.

12 SECTION 3. (a) A contract that violates Section 421.005(a),
13 Government Code, as added by this Act, is terminated as of the
14 effective date of this Act, regardless of whether the contract was
15 executed before, on, or after the effective date of this Act.

16 (b) A private entity with which the governor has entered a
17 contract that violates Section 421.005(a), Government Code, as
18 added by this Act, shall, not later than the 10th day after the
19 effective date of this Act:

20 (1) transfer control of any information contained in
21 the Texas Data Exchange or any other similar comprehensive
22 intelligence database to the Department of Public Safety of the
23 State of Texas; and

24 (2) delete any information described by Subdivision
25 (1) from any and all data warehousing or data retention tools or
26 instruments used by the entity.

27 SECTION 4. This Act takes effect immediately if it receives

H.B. No. 4108

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.