

Suspending limitations on conference committee  
jurisdiction, S.B. No. 11 (Carona/Corte)

By: Corte

H.R. No. 2915

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 80th Legislature, Regular Session, 2007, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on Senate Bill 11 (relating homeland  
6 security; providing penalties) to consider and take action on the  
7 following matter:

8 House Rule 13, Sections 9(a)(3) and (4), are suspended to  
9 permit the conference committee to add the following new article:

10 ARTICLE 18. MISCELLANEOUS PROVISIONS RELATING TO HOMELAND SECURITY  
11 AND BORDER SECURITY

12 SECTION 18.01. Subchapter A, Chapter 421, Government Code,  
13 is amended by adding Section 421.0025 to read as follows:

14 Sec. 421.0025. BORDER SECURITY COUNCIL. (a) The Border  
15 Security Council consists of members appointed by the governor.

16 (a-1) At least one-third of the members appointed under  
17 Subsection (a) must be residents of the Texas-Mexico border region,  
18 as defined by Section 2056.002.

19 (b) The Border Security Council shall develop and recommend  
20 to the office of the governor performance standards, reporting  
21 requirements, audit methods, and other procedures to ensure that  
22 funds allocated by the office of the governor for purposes related  
23 to security at or near this state's international border are used  
24 properly and that the recipients of the funds are accountable for

1 the proper use of the funds.

2 (c) The Border Security Council shall advise the office of  
3 the governor regarding the allocation of funds by the office for  
4 purposes related to security at or near this state's international  
5 border. Recommendations relating to the allocation of those funds  
6 must be made by a majority of the members of the council.

7 (d) The governor shall designate one member of the Border  
8 Security Council as the chair. The chair shall arrange meetings of  
9 the Border Security Council at times determined by the members of  
10 the council.

11 (e) The meetings of the Border Security Council are subject  
12 to the requirements of Chapter 551 to the same extent as similar  
13 meetings of the Public Safety Commission. The plans and  
14 recommendations of the Border Security Council are subject to the  
15 requirements of Chapter 552 to the same extent as similar plans and  
16 recommendations of the Department of Public Safety of the State of  
17 Texas.

18 (f) Service on the Border Security Council by a state  
19 officer or employee or by an officer or employee of a local  
20 government is an additional duty of the member's office or  
21 employment.

22 SECTION 18.02. The heading to Subchapter E, Chapter 421,  
23 Government Code, is amended to read as follows:

24 SUBCHAPTER E. TEXAS FUSION [~~INFRASTRUCTURE PROTECTION~~  
25 ~~COMMUNICATIONS~~] CENTER

26 SECTION 18.03. Section 421.081, Government Code, is amended  
27 to read as follows:

1           Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The  
2 Department of Public Safety of the State of Texas shall provide  
3 facilities and administrative support for the Texas Fusion  
4 [~~Infrastructure Protection Communications~~] Center.

5           SECTION 18.04. Subchapter H, Chapter 2155, Government Code,  
6 is amended by adding Section 2155.452 to read as follows:

7           Sec. 2155.452. CERTAIN CONTRACTS FOR HOMELAND SECURITY OR  
8 LAW ENFORCEMENT TECHNOLOGY. A state governmental entity that  
9 issues a request for proposals for technological products or  
10 services for homeland security or law enforcement purposes must  
11 allow a business entity to substitute the qualifications of its  
12 executive officers or managers for the qualifications required of  
13 the business entity in the request for proposals.

14           SECTION 18.05. Article 61.02(c), Code of Criminal  
15 Procedure, is amended to read as follows:

16           (c) Criminal information collected under this chapter  
17 relating to a criminal street gang must:

18           (1) be relevant to the identification of an  
19 organization that is reasonably suspected of involvement in  
20 criminal activity; and

21           (2) consist of:

22                   (A) a judgment under any law that includes, as a  
23 finding or as an element of a criminal offense, participation in a  
24 criminal street gang;

25                   (B) a self-admission by the individual of  
26 criminal street gang membership that is made during a judicial  
27 proceeding; or

1            (C) any two of the following:

2                    (i) [~~(A)~~] a self-admission by the  
3 individual of criminal street gang membership that is not made  
4 during a judicial proceeding;

5                    (ii) [~~(B)~~] an identification of the  
6 individual as a criminal street gang member by a reliable informant  
7 or other individual;

8                    (iii) [~~(C)~~] a corroborated identification  
9 of the individual as a criminal street gang member by an informant  
10 or other individual of unknown reliability;

11                   (iv) [~~(D)~~] evidence that the individual  
12 frequents a documented area of a criminal street gang and[~~7~~]  
13 associates with known criminal street gang members;

14                   (v) evidence that the individual[~~7~~ and]  
15 uses, in more than an incidental manner, criminal street gang  
16 dress, hand signals, tattoos, or symbols, including expressions of  
17 letters, numbers, words, or marks, regardless of the format or  
18 medium in which the symbols are displayed, that are associated with  
19 a criminal street gang that operates in an area frequented by the  
20 individual and described by Subparagraph (iv); or

21                   (vi) [~~(E)~~] evidence that the individual has  
22 been arrested or taken into custody with known criminal street gang  
23 members for an offense or conduct consistent with criminal street  
24 gang activity.

25            SECTION 18.06. Article 61.06(c), Code of Criminal  
26 Procedure, is amended to read as follows:

27            (c) In determining whether information is required to be

1 removed from an intelligence database under Subsection (b), the  
2 three-year period does not include any period during which the  
3 individual who is the subject of the information is:

4 (1) confined in a correctional facility operated by or  
5 under contract with the [institutional division or the state jail  
6 division of the] Texas Department of Criminal Justice;

7 (2) committed to a secure correctional facility  
8 operated by or under contract with the Texas Youth Commission, as  
9 defined by Section 51.02, Family Code; or

10 (3) confined in a county jail or a facility operated by  
11 a juvenile board in lieu of being confined in a correctional  
12 facility operated by or under contract with the Texas Department of  
13 Criminal Justice or being committed to a secure correctional  
14 facility operated by or under contract with the Texas Youth  
15 Commission.

16 SECTION 18.07. Chapter 61, Code of Criminal Procedure, is  
17 amended by adding Article 61.075 to read as follows:

18 Art. 61.075. RIGHT TO REQUEST EXISTENCE OF CRIMINAL  
19 INFORMATION. (a) A person or the parent or guardian of a child may  
20 request a law enforcement agency to determine whether the agency  
21 has collected or is maintaining, under criteria established under  
22 Article 61.02(c), criminal information relating solely to the  
23 person or child. The law enforcement agency shall respond to the  
24 request not later than the 10th business day after the date the  
25 agency receives the request.

26 (b) Before responding to a request under Subsection (a), a  
27 law enforcement agency may require reasonable written verification

1 of the identity of the person making the request and the  
2 relationship between the parent or guardian and the child, if  
3 applicable, including written verification of an address, date of  
4 birth, driver's license number, state identification card number,  
5 or social security number.

6       Explanation: This addition is necessary to add an article to  
7 the bill related to miscellaneous homeland security and border  
8 security provisions concerning the Border Security Council, the  
9 Texas Fusion Center, certain contracts for homeland security or law  
10 enforcement technology, and criminal information.

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