

SENATE AMENDMENTS

2nd Printing

By: Naishtat, et al.

H.B. No. 76

A BILL TO BE ENTITLED

AN ACT

relating to the collection and analysis of information relating to certain sexual offenses.

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

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

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of [those] offenses in which family violence was involved and a statistical breakdown of offenses under Sections 21.12, 21.15, 22.011, and 22.021, Penal Code;

(3) make ballistic tests of bullets and firearms and 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.

ADOPTED

APR 26 2007

Atty. Gen. Spaw
Secretary of the Senate

By: ZAFFIRINI

H.B. No. 76

Substitute the following for H.B. No. 76 :

By: John W. Thelmer

C.S.H.B. No. 76

A BILL TO BE ENTITLED

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2 certain sexual offenses.

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9 descriptions, fingerprints, measurements, and other pertinent
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11 offense or convicted of a criminal offense, regardless of whether
12 the conviction is probated;

13 (2) collect information concerning the number and
14 nature of offenses reported or known to have been committed in the
15 state and the legal steps taken in connection with the offenses, and
16 other information useful in the study of crime and the
17 administration of justice, including information that enables the
18 bureau to create a statistical breakdown of [those] offenses in
19 which family violence was involved and a statistical breakdown of
20 offenses under Sections 22.011 and 22.021, Penal Code;

21 (3) make ballistic tests of bullets and firearms and
22 chemical analyses of bloodstains, cloth, materials, and other
23 substances for law enforcement officers of the state;
24

15

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

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

9 (6) collect information concerning the number and
10 nature of protective orders and all other pertinent information
11 about all persons on active protective orders. Information in the
12 law enforcement information system relating to an active protective
13 order shall include:

14 (A) the name, sex, race, date of birth, personal
15 descriptors, address, and county of residence of the person to whom
16 the order is directed;

17 (B) any known identifying number of the person to
18 whom the order is directed, including the person's social security
19 number or driver's license number;

20 (C) the name and county of residence of the
21 person protected by the order;

22 (D) the residence address and place of employment
23 or business of the person protected by the order, unless that
24 information is excluded from the order under Section 85.007, Family
25 Code;

26 (E) the child-care facility or school where a
27 child protected by the order normally resides or which the child

1 normally attends, unless that information is excluded from the
2 order under Section 85.007, Family Code;

3 (F) the relationship or former relationship
4 between the person who is protected by the order and the person to
5 whom the order is directed; and

6 (G) the date the order expires.

7 (g) The department may adopt reasonable rules under this
8 section relating to:

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

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

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

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

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

24 (h) Information collected to perform a statistical
25 breakdown of offenses under Sections 22.011 and 22.021, Penal Code,
26 as required by Subsection (b)(2) must include information
27 indicating the specific offense committed and information

1 regarding:

2 (1) the victim;

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

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

7 (4) any injuries sustained by the victim.

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

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

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB76 by Naishtat (Relating to the collection and analysis of information relating to certain sexual offenses.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB76, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>STATE HIGHWAY FUND</i> 6
2008	(\$262,244)
2009	\$0
2010	\$0
2011	\$0
2012	\$0

Fiscal Analysis

The bill would amend the Government Code as it relates to the collection and analysis of information relating to certain sexual offenses.

Section 1 of the bill would amend the Government Code, Section 411.042 (b) and (g) and would add (h) and (i), which would require the Department of Public Safety (DPS) to create a statistical breakdown of sexual assault and aggravated sexual assault offenses under Penal Code, Sections 22.011 and 22.021. The bill states the statistics must include information indicating the specific offense committed and information regarding the victim, the offender and the offender's relationship to the victim, any weapon used or exhibited during the commission of the offense, and any injuries sustained by the victim. Law enforcement agencies are required to report sexual assault and aggravated sexual assault offenses to the DPS in the form and manner and at regular intervals outlined in the adopted agency rules.

Section 2 of the bill states that in consultation with statewide, nonprofit sexual assault programs, DPS shall establish rules and procedures for the reporting of this information no later than October 1, 2007.

The bill would take effect on September 1, 2007.

Methodology

Under the provisions of the bill, the Department of Public Safety (DPS) would be required to collect and analyze information relating to sexual assault and aggravated sexual assault offenses under Penal Code, Sections 22.011 and 22.021. DPS' Crime Records Service currently has a sex offender registration data base; however this bill would require additional information to be collected. The agency estimates are based on added database and program modifications and costs for new reporting requirements.

DPS states that other operating expenses, consumable equipment, and other costs for printing and postage of new registration forms are an additional \$79,244 in fiscal year 2008.

Technology

DPS states the technology costs estimated to comply with the collection and analysis of information relating to sexual assault and aggravated sexual assault includes computer database/scanner program modifications, program modifications for the summary repository, program modifications for the Incident Base Reporting repository totaling \$183,000 in fiscal year 2008.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ES, GG, LG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB76 by Naishtat (Relating to the collection and analysis of information relating to certain sexual offenses.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB76, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
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2011	\$0
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2010	\$0
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2012	\$0

Fiscal Analysis

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 18, 2007

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB76 by Naishtat (Relating to the collection and analysis of information relating to certain sexual offenses.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB76, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>STATE HIGHWAY FUND</i> 6	Change in Number of State Employees from FY 2007
2008	(\$397,805)	2.0
2009	(\$123,126)	2.0
2010	(\$123,126)	2.0
2011	(\$123,126)	2.0
2012	(\$123,126)	2.0

Fiscal Analysis

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Section 1 of the bill amends Government Code, Section 411.042 (b) and (g) and adds (h) and (i), which requires the Department of Public Safety (DPS) to create a statistical breakdown of sexual assault and aggravated sexual assault offenses under Penal Code, Sections 22.011 and 22.021. The bill states the statistics must include information indicating the specific offense committed and information regarding the victim, the offender and the offender's relationship to the victim, any weapon used or exhibited during the commission of the offense, and any injuries sustained by the victim. Law enforcement agencies are required to report sexual assault and aggravated sexual assault offenses to the DPS in the form and manner and at regular intervals outlined in the adopted agency rules.

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Under the provisions of the bill, the Department of Public Safety (DPS) would be required to collect and analyze information relating to sexual assault and aggravated sexual assault offenses under Penal Code, Sections 22.011 and 22.021. DPS' Crime Records Service currently has a sex offender registration data base; however this bill would require additional information to be collected. The agency estimates for fiscal years 2008-2012 are based on added database and program modifications and costs for extra personnel to process data collection and train individuals on the new reporting requirements.

Based on anticipated data base modifications and data collection workload, DPS' estimates they would need 2 additional FTEs: one Administrative Assistant under the A11 salary group at \$25,700 per year and one Training Specialist II under the B7 salary group at \$32,065 for a total of \$74,107 (including benefit costs of \$16,342) in fiscal year 2008 and 2009. The Training Specialist position would be required to travel to train state and local governments on the new reporting requirements. Included in the estimate is \$24,000 per year in estimated travel expenses and \$15,542 per year for vehicle expenses in fiscal years 2008 and 2009. DPS states that other operating expenses, consumable equipment, and other costs for printing and postage of new registration forms are an additional \$92,963 in fiscal year 2008 and \$9,030 in fiscal year 2009.

Technology

DPS states the technology costs estimated to comply with the collection and analysis of information relating to sexual assault and aggravated sexual assault includes computer database/scanner program modifications, program modifications for the summary repository, program modifications for the Incident Base Reporting repository, 3 computers, 3 printers, and enterprise software agreements for 3 computers totaling \$191,193 in fiscal year 2008. Fiscal years 2009 through 2012 has a technology impact of \$447 per year for continued enterprise software agreements.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ES, GG, LG



LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB76 by Naishtat (Relating to the collection and analysis of information relating to certain sexual offenses.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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IN RE: HB76 by Naishtat (Relating to the collection and analysis of information relating to certain sexual offenses.), **As Engrossed**

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LBB Staff: JOB, GG

