

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Bolton

H.B. No. 2210

A BILL TO BE ENTITLED

AN ACT

relating to law enforcement reports concerning the commission of certain offenses and the provision of certain information in those reports to victims of those offenses.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.30 to read as follows:

Art. 2.30. REPORT CONCERNING CERTAIN ASSAULTIVE OR TERRORISTIC OFFENSES. (a) This article applies only to the following offenses:

(1) assault under Section 22.01, Penal Code;

(2) aggravated assault under Section 22.02, Penal Code;

(3) sexual assault under Section 22.011, Penal Code;

(4) aggravated sexual assault under Section 22.021, Penal Code; and

(5) terroristic threat under Section 22.07, Penal Code.

(b) A peace officer who investigates the alleged commission of an offense listed under Subsection (a) shall prepare a written report that includes the information required under Article 5.05(a).

(c) On request of a victim of an offense listed under Subsection (a), the local law enforcement agency responsible for

1 investigating the commission of the offense shall provide the  
2 victim, at no cost to the victim, with any information contained in  
3 the written report prepared under Subsection (b) that is not  
4 excepted from disclosure under Chapter 552, Government Code, or  
5 other law.

6 SECTION 2. Article 5.05, Code of Criminal Procedure, is  
7 amended by adding Subsection (f) to read as follows:

8 (f) On request of a victim of an incident of family  
9 violence, the local law enforcement agency responsible for  
10 investigating the incident shall provide the victim, at no cost to  
11 the victim, with any information contained in the written report  
12 prepared under Subsection (a) that is not excepted from disclosure  
13 under Chapter 552, Government Code, or other law.

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

ADOPTED

MAY 22 2007

By: Baltow/Ellis

*Leta S. Spaw*  
Secretary of the Senate

H.B. No. 2210

Substitute the following for H.B. No. 2210.

By: John Williams

C.S.H. B. No. 2210

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6 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
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9 TERRORISTIC OFFENSES. (a) This article applies only to the  
10 following offenses:

11 (1) assault under Section 22.01, Penal Code;

12 (2) aggravated assault under Section 22.02, Penal  
13 Code;

14 (3) sexual assault under Section 22.011, Penal Code;

15 (4) aggravated sexual assault under Section 22.021,  
16 Penal Code; and

17 (5) terroristic threat under Section 22.07, Penal  
18 Code.

19 (b) A peace officer who investigates the alleged commission  
20 of an offense listed under Subsection (a) shall prepare a written  
21 report that includes the information required under Article  
22 5.05(a).

23 (c) On request of a victim of an offense listed under  
24 Subsection (a), the local law enforcement agency responsible for

1 investigating the commission of the offense shall provide the  
2 victim, at no cost to the victim, with any information that is:  
3 (1) contained in the written report prepared under  
4 Subsection (b);  
5 (2) described by Article 5.05(a)(1) or (2); and  
6 (3) not exempt from disclosure under Chapter 552,  
7 Government Code, or other law.

8 SECTION 2. Article 5.05, Code of Criminal Procedure, is  
9 amended by adding Subsection (f) to read as follows:

10 (f) On request of a victim of an incident of family  
11 violence, the local law enforcement agency responsible for  
12 investigating the incident shall provide the victim, at no cost to  
13 the victim, with any information that is:

14 (1) contained in the written report prepared under  
15 Subsection (a);  
16 (2) described by Subsection (a)(1) or (2); and  
17 (3) not exempt from disclosure under Chapter 552,  
18 Government Code, or other law.

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

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 19, 2007**

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

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

**IN RE: HB2210** by Bolton (Relating to law enforcement reports concerning the commission of certain offenses and the provision of certain information in those reports to victims of those offenses. ), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to require a peace officer who investigates the commission of certain offenses to prepare a written report that includes (1) the names of the suspect and complainant; (2) the date, time, and location of the incident; (3) any visible or reported injuries; and (4) a description of the incident and a statement of its disposition.

The bill stipulates that the local law enforcement agency responsible for investigating the commission of an applicable offense would be required to provide each victim, upon request, a free copy of those portions of the written report that are not excepted under Chapter 552, Government Code or other law.

The bill would take effect September 1, 2007.

Because the bill specifies that the local law enforcement agency responsible for conducting an investigation would provide copies of a report, it is assumed that state law enforcement would not be impacted by the provisions of the bill.

**Local Government Impact**

The fiscal impact would vary by county and municipal law enforcement agency depending on how many applicable crimes are investigated per year and how many victims would request a copy of the report. If an agency currently charges for copies of the reports, there would be a revenue loss, but it is not expected to be significant. Associated costs are not expected to be significant unless every applicable victim requests a copy of the report. It is anticipated that there would be more incidents in more densely populated areas.

Harris County (population over 3.4 million) reports that the sheriff's office prepared 14,678 reports in 2006 for crimes to which the bill would apply. If each of the affected victims were to request a copy of the report, the office assumes the amount of time required to copy and mail reports to victims would require hiring two additional clerks. One of the precincts of the Harris County constable's office prepared 2,318 applicable incident reports in 2006. That office assumes the increased workload would necessitate hiring one additional clerk. Harris County estimates that related costs for implementing provisions of the bill would be \$191,774 in the first year for the two offices combined, which would be insignificant.

Dallas County (population over 2.2 million) already provides incident reports to victims, but charges \$2 per report. On average, the county provides about 180 reports annually; therefore, the county would experience a revenue loss of at least \$360, which would be insignificant.



The Travis County (population of 812,280) Sheriff's Office currently provides a copy of incident reports upon request to the victim, and charges \$0.10 per page. The office does not keep statistics on the number of reports provided, but assumes the revenue losses/costs would be insignificant.

The police department in the City of Abilene (population of 115,930) estimates, based on the current number of applicable offenses that occur and for which a report is requested, the department would experience a revenue loss of under \$200 because they currently charge \$0.10 per page.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 16, 2007**

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

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

**IN RE: HB2210** by Bolton (Relating to law enforcement reports concerning the commission of certain offenses and the provision of certain information in those reports to victims of those offenses.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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The police department in the City of Abilene (population of 115,930) estimates, based on the current number of applicable offenses that occur and for which a report is requested, the department would experience a revenue loss of under \$200 because they currently charge \$0.10 per page.

**Source Agencies:**

**LBB Staff: JOB, ES, DB**



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 23, 2007**

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

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

**IN RE: HB2210** by Bolton (Relating to law enforcement reports concerning the commission of certain offenses and the provision of certain information in those reports to victims of those offenses. ), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to require a peace officer who investigates the commission of certain offenses to prepare a written report that includes (1) the names of the suspect and complainant; (2) the date, time, and location of the incident; (3) any visible or reported injuries; and (4) a description of the incident and a statement of its disposition.

The bill stipulates that the local law enforcement agency responsible for investigating the commission of an applicable offense would be required to provide each victim, upon request, a free copy of those portions of the written report that are not excepted under Chapter 552, Government Code or other law.

The bill would take effect September 1, 2007.

Because the bill specifies that the local law enforcement agency responsible for conducting an investigation would provide copies of a report, it is assumed that state law enforcement would not be impacted by the provisions of the bill.

**Local Government Impact**

The fiscal impact would vary by county and municipal law enforcement agency depending on how many applicable crimes are investigated per year and how many victims would request a copy of the report. If an agency currently charges for copies of the reports, there would be a revenue loss, but it is not expected to be significant. Associated costs are not expected to be significant unless every applicable victim requests a copy of the report. It is anticipated that there would be more incidents in more densely populated areas.

Harris County (population over 3.4 million) reports that the sheriff's office prepared 14,678 reports in 2006 for crimes to which the bill would apply. If each of the affected victims were to request a copy of the report, the office assumes the amount of time required to copy and mail reports to victims would require hiring two additional clerks. One of the precincts of the Harris County constable's office prepared 2,318 applicable incident reports in 2006. That office assumes the increased workload would necessitate hiring one additional clerk. Harris County estimates that related costs for implementing provisions of the bill would be \$191,774 in the first year for the two offices combined, which would be insignificant.

Dallas County (population over 2.2 million) already provides incident reports to victims, but charges \$2 per report. On average, the county provides about 180 reports annually; therefore, the county would experience a revenue loss of at least \$360, which would be insignificant.



The Travis County (population of 812,280) Sheriff's Office currently provides a copy of incident reports upon request to the victim, and charges \$0.10 per page. The office does not keep statistics on the number of reports provided, but assumes the revenue losses/costs would be insignificant.

The police department in the City of Abilene (population of 115,930) estimates, based on the current number of applicable offenses that occur and for which a report is requested, the department would experience a revenue loss of under \$200 because they currently charge \$0.10 per page.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 15, 2007**

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

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

**IN RE: HB2210** by Bolton (Relating to a requirement that a local law enforcement agency provide the victims of certain offenses with a copy of the incident report.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to require a peace officer who investigates the alleged commission of certain offenses to prepare a written report that includes (1) the names of the suspect and complainant; (2) the date, time, and location of the incident; (3) any visible or reported injuries; and (4) a description of the incident and a statement of its disposition.

The local law enforcement agency responsible for investigating the alleged commission of an applicable offense would be required to provide each victim a free copy of the written report.

The bill would take effect September 1, 2007.

**Local Government Impact**

The fiscal impact would vary by county and municipal law enforcement agency depending on how many applicable crimes are investigated per year. It is anticipated that there would be more incidents in more densely populated areas.

Harris County (population over 3.4 million) reports that the sheriff's office prepared 14,678 reports in 2006 for crimes to which the bill would apply. The office assumes the amount of time required to copy and mail reports to victims would require hiring two additional clerks. One of the precincts of the Harris County constable's office prepared 2,318 applicable incident reports in 2006. That office assumes the increased workload would necessitate hiring one additional clerk. Harris County estimates that related costs for implementing provisions of the bill would be insignificant.

Dallas County (population over 2.2 million) already provides incident reports to victims, but charges \$2 per report. On average, the county provides about 180 reports annually. The county assumes implementing provisions of the bill would result in providing twice as many reports, for a \$400 loss in revenue, and \$600 in increased costs for supplies.

The Travis County (population of 812,280) Sheriff's Office currently provides a copy of incident reports upon request to the victim, and charges \$0.10 per page. The office does not keep statistics on the number of reports provided, but assumes the revenue losses/costs would be insignificant.

Costs reported by municipalities were higher than for those counties that provided data for the fiscal analysis. The Houston (population of over 1.9 million) Police Department estimates implementation would require an increase in staffing of 81 full-time-equivalents. Costs associated with new staff, initial capital outlay for new staff, and supplies are estimated by the department at \$3 million in fiscal year 2008 and approximately \$2.8 million each year thereafter. The department reports that it does not have sufficient funds in the budget to add new staff.

The police department in the City of Abilene (population of 115,930) estimates costs of \$23,933 in



fiscal year 2008, which would include one new staffperson and their workstation, computer, and printer, dropping to around \$19,000 in fiscal year 2009. The department would also experience a revenue loss because they currently charge \$0.10 per page. Their estimate assumes one-page reports only, although they have some reports that are five pages in length.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 19, 2007**

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

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

**IN RE: HB2210** by Bolton (Relating to law enforcement reports concerning the commission of certain offenses and the provision of certain information in those reports to victims of those 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, TM**



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

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

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

**IN RE: HB2210** by Bolton (Relating to law enforcement reports concerning the commission of certain offenses and the provision of certain information in those reports to victims of those offenses.), **As Engrossed**

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**Source Agencies:**

**LBB Staff:** JOB, TM

