

House Bill 13
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SECTION 1. Section 51.212, Education Code, is amended to read as follows:

Sec. 51.212. PEACE ~~[SECURITY]~~ OFFICERS AT PRIVATE INSTITUTIONS. (a) The governing boards of private institutions of higher education, including private junior colleges, are authorized to employ and commission peace officers ~~[campus security personnel]~~ for the purpose of enforcing:

(1) state law [the law of this state] on the campuses of private institutions of higher education; and

(2) state and local law, including applicable municipal ordinances, at other locations, as permitted by Subsection (b) or Section 51.2125.

(b) Any officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities of peace officers if the officer:

(1) is [while] on the property under the control and jurisdiction of the respective private institution of higher education or is otherwise performing [in the performance of his assigned] duties assigned to the officer by the institution, regardless of whether the officer is on property under the control and jurisdiction of the institution; or

(2) to the extent authorized by Section 51.2125, is:

(A) requested by another law enforcement agency to provide assistance in enforcing state or local law, including a municipal ordinance, and is acting in response to that request; or

(B) otherwise assisting another law enforcement agency in enforcing a law described by Paragraph (A).

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Same as House version.

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(c) Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of \$1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that the officer ~~[he]~~ will fairly, impartially, and faithfully perform the duties as may be required of the officer ~~[him]~~ by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered.

(d) ~~[(b)]~~ The governing boards of private institutions of higher education are authorized to hire and pay on a regular basis peace ~~[law enforcement]~~ officers commissioned by an incorporated city. The officers shall be under the supervision of the hiring institution, but shall be subject to dismissal and disciplinary action by the city. An incorporated city is authorized to contract with a private institution of higher education for the use and employment of its commissioned officers in any manner agreed to, provided that there is no expense incurred by the city.

(e) ~~[(e)]~~ In this section, "private institution of higher education" means a private or independent institution of higher education as defined ~~[has the meaning assigned]~~ by Section 61.003 ~~[61.003(15) of this code]~~.

SECTION 2. Subchapter E, Chapter 51, Education Code, is amended by adding Sections 51.2125 and 51.2126 to read as follows:

Sec. 51.2125. PRIVATE INSTITUTIONS:

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SECTION 2. Subchapter E, Chapter 51, Education Code, is amended by adding Sections 51.2125 and 51.2126 to read as follows:

Sec. 51.2125. PRIVATE INSTITUTIONS:

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AUTHORITY TO ENTER INTO MUTUAL ASSISTANCE AGREEMENT. (a) This section applies only to a private institution of higher education, as defined by Section 61.003, with a fall head count enrollment of more than 10,000 students.

(b) If the institution has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a municipality with a population of more than one million,

in addition to exercising the authority provided under Section 51.212(d), the governing board of a private institution of higher education to which this section applies and the governing body of each municipality, regardless of the municipality's population, that is contiguous to, or the boundaries of which contain any part of, property under the control and jurisdiction of the private institution of higher education may enter into a written mutual assistance agreement in which peace officers commissioned by the institution or the applicable municipality serve the public interest by assisting, without any form of additional compensation or other financial benefit, the peace officers of the other party to the agreement in enforcing state or local law, including applicable municipal ordinances. The agreement must be reviewed at least annually by the institution and the municipality and may be modified at that time by a written agreement signed by each party. The agreement may be terminated at any time by a party to the

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AUTHORITY TO ENTER INTO MUTUAL ASSISTANCE AGREEMENT. (a) This section applies only to a private institution of higher education that has a fall head count enrollment of more than 10,000 students and that has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a municipality with a population of more than one million. For purposes of this section, a private institution of higher education is a private or independent institution of higher education as defined by Section 61.003.

(b) In addition to exercising the authority provided under Section 51.212(d), the governing board of a private institution of higher education to which this section applies and the governing body of each municipality, regardless of the municipality's population, that is contiguous to, or the boundaries of which contain any part of, property under the control and jurisdiction of the private institution of higher education may enter into a written mutual assistance agreement in which peace officers commissioned by the institution or the applicable municipality serve the public interest by assisting, without any form of additional compensation or other financial benefit, the peace officers of the other party to the agreement in enforcing state or local law, including applicable municipal ordinances. The agreement must be reviewed at least annually by the institution and the municipality and may be modified at that time by a written agreement signed by each party. The agreement may be terminated at any time by a party to the

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agreement on the provision of reasonable notice to the other party to the agreement.

(c) A mutual assistance agreement authorized by this section may designate the geographic area in which the campus peace officers are authorized to provide assistance to the peace officers of the municipality.

(d) This section does not affect a municipality's duty to provide law enforcement services to any location within the boundaries of the municipality.

(e) A peace officer providing assistance under a mutual assistance agreement authorized by this section may make arrests and exercise all other authority given to peace officers under other state law. The municipal law enforcement agency has exclusive authority to supervise any campus peace officer operating under the agreement to assist the peace officers of the municipality. A municipal peace officer operating under the agreement to assist the campus peace officers remains under the supervision of the municipal law enforcement agency.

(f) In the same manner and to the same extent as a municipality is liable for an act or omission of a peace officer employed by the municipality, a private

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agreement on the provision of reasonable notice to the other party to the agreement.

(c) A mutual assistance agreement authorized by this section may designate the geographic area in which the campus peace officers are authorized to provide assistance to the peace officers of the municipality, except that if the agreement is entered into with a municipality with a population of more than one million, the designated geographic area consists of each of the election districts of the municipality's governing body that contains any part of the campus of the institution and each of the election districts of the governing body that is contiguous to another municipality that contains any part of the campus of the institution.

(d) This section does not affect a municipality's duty to provide law enforcement services to any location within the boundaries of the municipality.

(e) A peace officer providing assistance under a mutual assistance agreement authorized by this section may make arrests and exercise all other authority given to peace officers under other state law. The municipal law enforcement agency has exclusive authority to supervise any campus peace officer operating under the agreement to assist the peace officers of the municipality. A municipal peace officer operating under the agreement to assist the campus peace officers remains under the supervision of the municipal law enforcement agency.

(f) In the same manner and to the same extent as a municipality is liable for an act or omission of a peace officer employed by the municipality, a private

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institution of higher education is liable for an act or omission of a campus peace officer operating under a mutual assistance agreement authorized by this section at a location other than property under the control and jurisdiction of the institution.

(g) This section does not limit the authority of a campus peace officer to make a warrantless arrest outside the officer's jurisdiction as described by Article 14.03(d), Code of Criminal Procedure.

Sec. 51.2126. APPEAL BY CAMPUS PEACE OFFICER OF DISCIPLINARY ACTION OR PROMOTIONAL BYPASS RELATED TO PROVISION OF ASSISTANCE UNDER MUTUAL ASSISTANCE AGREEMENT. (a) A campus peace officer acting under a mutual assistance agreement authorized by Section 51.2125 who is demoted, suspended, or terminated by the applicable private institution of higher education or who experiences a promotional bypass by the institution may elect to appeal the institution's action to an independent third party hearing examiner under this section.

(b) To elect to appeal to an independent third party hearing examiner under this section, the campus peace officer must submit to the head of the institution's law enforcement agency not later than the 30th day after the date of the action being appealed a written request stating the officer's decision to appeal to such a hearing examiner.

(c) The hearing examiner's decision is final and binding on all parties. If a campus peace officer elects to appeal

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institution of higher education is liable for an act or omission of a campus peace officer operating under a mutual assistance agreement authorized by this section at a location other than property under the control and jurisdiction of the institution.

(g) This section does not limit the authority of a campus peace officer to make a warrantless arrest outside the officer's jurisdiction as described by Article 14.03(d), Code of Criminal Procedure.

Sec. 51.2126. APPEAL BY CAMPUS PEACE OFFICER OF DISCIPLINARY ACTION OR PROMOTIONAL BYPASS RELATED TO PROVISION OF ASSISTANCE UNDER MUTUAL ASSISTANCE AGREEMENT. (a) A campus peace officer acting under a mutual assistance agreement authorized by Section 51.2125 who is demoted, suspended, or terminated by the applicable private institution of higher education or who experiences a promotional bypass by the institution may elect to appeal the institution's action to an independent third party hearing examiner under this section.

(b) To elect to appeal to an independent third party hearing examiner under this section, the campus peace officer must submit to the head of the institution's law enforcement agency not later than the 30th day after the date of the action being appealed a written request stating the officer's decision to appeal to such a hearing examiner.

(c) The hearing examiner's decision is final and binding on all parties. If a campus peace officer elects to appeal

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the institution's action to an independent third party hearing examiner under this section, the officer or institution may appeal the examiner's decision to a district court only as provided by Subsection (j).

(d) If a campus peace officer elects to appeal to a hearing examiner, the officer and the head of the institution's law enforcement agency or their designees shall attempt to agree on the selection of an impartial hearing examiner. If the parties do not agree on the selection of a hearing examiner before the 10th day after the date the appeal is filed, the parties immediately shall request a list of seven qualified neutral arbitrators from the American Arbitration Association or the Federal Mediation and Conciliation Service, or their successors in function. The officer and the agency head or their designees may agree on one of the seven neutral arbitrators on the list. If the parties do not agree before the fifth business day after the date the parties receive the list, the parties or their designees shall alternate striking a name from the list, and the single name remaining after all other names have been struck is selected as the hearing examiner. The parties or their designees shall agree on a date for the hearing.

(e) The appeal hearing must begin as soon as an appearance by the hearing examiner can be scheduled. If the hearing examiner cannot begin the hearing before the 45th day after the date of selection, the campus peace officer may, within 48 hours after learning of that fact, call for the selection of a new hearing examiner using the procedure prescribed by Subsection (d).

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the institution's action to an independent third party hearing examiner under this section, the officer or institution may appeal the examiner's decision to a district court only as provided by Subsection (j).

(d) If a campus peace officer elects to appeal to a hearing examiner, the officer and the head of the institution's law enforcement agency or their designees shall attempt to agree on the selection of an impartial hearing examiner. If the parties do not agree on the selection of a hearing examiner before the 10th day after the date the appeal is filed, the parties immediately shall request a list of seven qualified neutral arbitrators from the American Arbitration Association or the Federal Mediation and Conciliation Service, or their successors in function. The officer and the agency head or their designees may agree on one of the seven neutral arbitrators on the list. If the parties do not agree before the fifth business day after the date the parties receive the list, the parties or their designees shall alternate striking a name from the list, and the single name remaining after all other names have been struck is selected as the hearing examiner. The parties or their designees shall agree on a date for the hearing.

(e) The appeal hearing must begin as soon as an appearance by the hearing examiner can be scheduled. If the hearing examiner cannot begin the hearing before the 45th day after the date of selection, the campus peace officer may, within 48 hours after learning of that fact, call for the selection of a new hearing examiner using the procedure prescribed by Subsection (d).

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(f) In a hearing conducted under this section, the hearing examiner has the same duties and powers that a civil service commission has in conducting a hearing or hearing an appeal under Chapter 143, Local Government Code, including the right to issue subpoenas. The hearing examiner may:

(1) order that the campus peace officer be reinstated to the same position or status in which the officer was employed immediately before the demotion, suspension, or termination or, in the case of a promotional bypass, to the position or status with respect to which the officer experienced the bypass; and

(2) award the officer lost wages and any other compensation lost as a result of the disciplinary action or promotional bypass, as applicable.

(g) In a hearing conducted under this section, the parties may agree to an expedited hearing procedure. Unless otherwise agreed by the parties, in an expedited procedure the hearing examiner shall issue a decision on the appeal not later than the 10th day after the date the hearing is completed.

(h) In an appeal that does not involve an expedited hearing procedure, the hearing examiner shall make a reasonable effort to issue a decision on the appeal not later than the 30th day after the later of the date the hearing is completed or the briefs are filed. The hearing examiner's inability to meet the time requirements imposed by this section does not affect the hearing examiner's jurisdiction, the validity of the disciplinary action or promotional bypass, or the hearing examiner's

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(f) In a hearing conducted under this section, the hearing examiner has the same duties and powers that a civil service commission has in conducting a hearing or hearing an appeal under Chapter 143, Local Government Code, including the right to issue subpoenas. The hearing examiner may:

(1) order that the campus peace officer be reinstated to the same position or status in which the officer was employed immediately before the demotion, suspension, or termination or, in the case of a promotional bypass, to the position or status with respect to which the officer experienced the bypass; and

(2) award the officer lost wages and any other compensation lost as a result of the disciplinary action or promotional bypass, as applicable.

(g) In a hearing conducted under this section, the parties may agree to an expedited hearing procedure. Unless otherwise agreed by the parties, in an expedited procedure the hearing examiner shall issue a decision on the appeal not later than the 10th day after the date the hearing is completed.

(h) In an appeal that does not involve an expedited hearing procedure, the hearing examiner shall make a reasonable effort to issue a decision on the appeal not later than the 30th day after the later of the date the hearing is completed or the briefs are filed. The hearing examiner's inability to meet the time requirements imposed by this section does not affect the hearing examiner's jurisdiction, the validity of the disciplinary action or promotional bypass, or the hearing examiner's

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final decision.

(i) The hearing examiner's fees and expenses shall be paid in equal amounts by the parties. The costs of a witness shall be paid by the party who calls the witness.

(j) A district court may hear an appeal of a hearing examiner's decision only on the grounds that the hearing examiner was without jurisdiction or exceeded the examiner's jurisdiction or that the decision was procured by fraud, collusion, or other unlawful means. An appeal must be brought in the district court having jurisdiction in the municipality in which the institution is located.

SECTION 3. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.031 to read as follows:

Sec. 402.031. HOMELAND SECURITY LAW ENFORCEMENT INTEGRITY UNIT. (a) In this section, "law enforcement corruption" means the commission of an offense in this state by an individual elected, appointed, or employed to serve as a peace officer for a governmental entity of this state under Article 2.12, Code of Criminal Procedure, or by a federal law enforcement officer performing duties in this state, under:

(1) Section 15.02, Penal Code, or an analogous federal criminal law, if the object of the conspiracy involves the manufacture or delivery of a controlled substance as described by Chapter 481, Health and Safety Code, or an analogous federal criminal law; or

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final decision.

(i) The hearing examiner's fees and expenses shall be paid in equal amounts by the parties. The costs of a witness shall be paid by the party who calls the witness.

(j) A district court may hear an appeal of a hearing examiner's decision only on the grounds that the hearing examiner was without jurisdiction or exceeded the examiner's jurisdiction or that the decision was procured by fraud, collusion, or other unlawful means. An appeal must be brought in the district court having jurisdiction in the municipality in which the institution is located.

No equivalent provision.

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(2) Section 71.02, Penal Code, or an analogous federal criminal law.

(b) The homeland security law enforcement integrity unit is created within the office of the attorney general to assist in the enforcement of laws relating to law enforcement corruption in law enforcement units that protect the state's homeland security and border security. The unit shall serve as a clearinghouse for information relating to the investigation and prosecution of law enforcement corruption in this state.

(c) The homeland security law enforcement integrity unit may:

(1) assist district attorneys and county attorneys in the investigation and prosecution of law enforcement corruption;

(2) assist state agencies with the investigation of complaints and administrative enforcement actions involving law enforcement corruption, including the assessment of an administrative penalty or other administrative sanction that may be imposed in response to law enforcement corruption;

(3) assist the United States Department of Justice or any other appropriate federal department or agency in the investigation and prosecution of law enforcement corruption;

(4) assist federal agencies with the investigation of complaints and administrative enforcement actions involving law enforcement corruption, including the assessment of an administrative penalty or other administrative sanction that may be imposed in response

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to law enforcement corruption; and
(5) monitor the use of grants and other funds allocated under Section 421.072.
(d) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the homeland security law enforcement integrity unit by providing information requested by the unit as necessary to carry out the purposes of this section. Information disclosed under this subsection is confidential and not subject to disclosure under Chapter 552.

SECTION 4. Section 418.042(a), Government Code, is amended to read as follows:

- (a) The division shall prepare and keep current a comprehensive state emergency management plan. The plan may include:
- (1) provisions for prevention and minimization of injury and damage caused by disaster;
 - (2) provisions for prompt and effective response to disaster;
 - (3) provisions for emergency relief;
 - (4) provisions for energy emergencies;
 - (5) identification of areas particularly vulnerable to disasters;
 - (6) recommendations for zoning, building restrictions, and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or

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SECTION 3. Section 418.042(a), Government Code, is amended to read as follows:

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their impact;

- (7) provisions for assistance to local officials in designing local emergency management plans;
- (8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, fire, or other disaster;
- (9) preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs;
- (10) organization of manpower and channels of assistance;
- (11) coordination of federal, state, and local emergency management activities;
- (12) coordination of the state emergency management plan with the emergency management plans of the federal government;
- (13) coordination of federal and state energy emergency plans; ~~and~~
- (14) the provision of **funding** to support the Texas Data Exchange or any other similar comprehensive intelligence database; and
- (15) other necessary matters relating to disasters.

SECTION 5. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.0431 to read as follows:

Sec. 418.0431. FUNDING OF CERTAIN DATABASES. The division:

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their impact;

- (7) provisions for assistance to local officials in designing local emergency management plans;
- (8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, fire, or other disaster;
- (9) preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs;
- (10) organization of manpower and channels of assistance;
- (11) coordination of federal, state, and local emergency management activities;
- (12) coordination of the state emergency management plan with the emergency management plans of the federal government;
- (13) coordination of federal and state energy emergency plans; ~~and~~
- (14) the provision of **necessary project management resources** to support the Texas Data Exchange or any other similar comprehensive intelligence database; and
- (15) other necessary matters relating to disasters.

No equivalent provision.

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- (1) may provide funding to the Department of Public Safety for the Texas Data Exchange or any other similar comprehensive intelligence database; and
- (2) shall, to any extent necessary, participate in the transfer described by Section 421.0035(2) and the cooperation described by Section 421.0035(3).

SECTION 6. Section 421.002, Government Code, is amended to read as follows:

Sec. 421.002. STATE OFFICE OF HOMELAND SECURITY; HOMELAND SECURITY STRATEGY.

(a) The director of the State Office of Homeland Security [governor] shall direct homeland security in this state. The director is appointed by the governor with the advice and consent of the senate and serves a two-year term expiring February 1 of each odd-numbered year. The State Office of Homeland Security is administratively attached to the office of the governor.

(a-1) The governor [and] shall develop a statewide homeland security strategy that improves the state's ability to:

- (1) detect and deter threats to homeland security;
- (2) respond to homeland security emergencies; and
- (3) recover from homeland security emergencies.

(b) The State Office of Homeland Security [governor's homeland security strategy] shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector.

(c) The governor's homeland security strategy [and]

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SECTION 4. Section 421.002, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) The governor [governor's homeland security strategy] shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector.

(c) The governor's homeland security strategy [and]

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must include specific plans for:

- (1) intelligence gathering and analysis;
- (2) information sharing;
- (3) reducing the state's vulnerability to homeland security emergencies;
- (4) protecting critical infrastructure;
- (5) protecting the state's international border, ports, and airports;
- (6) detecting, deterring, and defending against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism;
- (7) positioning equipment, technology, and personnel to improve the state's ability to respond to a homeland security emergency;
- (8) establishing and directing the Texas Fusion [~~Infrastructure Protection Communications~~] Center and giving the center certain forms of authority to implement the governor's homeland security strategy; ~~and~~
- (9) using technological resources to:
 - (A) facilitate the interoperability of government technological resources, including data, networks, and applications;
 - (B) coordinate the warning and alert systems of state and local agencies;
 - (C) incorporate multidisciplinary approaches to homeland security; and
 - (D) improve the security of governmental and private sector information technology and information resources; and
- (10) creating and operating a multi-agency coordination

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- (1) intelligence gathering and analysis;
- (2) information sharing;
- (3) reducing the state's vulnerability to homeland security emergencies;
- (4) protecting critical infrastructure;
- (5) protecting the state's international border, ports, and airports;
- (6) detecting, deterring, and defending against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism;
- (7) positioning equipment, technology, and personnel to improve the state's ability to respond to a homeland security emergency;
- (8) establishing and directing the Texas Fusion [~~Infrastructure Protection Communications~~] Center and giving the center certain forms of authority to implement the governor's homeland security strategy; ~~and~~
- (9) using technological resources to:
 - (A) facilitate the interoperability of government technological resources, including data, networks, and applications;
 - (B) coordinate the warning and alert systems of state and local agencies;
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 - (D) improve the security of governmental and private sector information technology and information resources; and
- (10) creating and operating a multi-agency coordination

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system as outlined in the federal Department of Homeland Security publication "National Incident Management System," published March 1, 2004.

(d) [↔] The governor's homeland security strategy must complement and operate in coordination with the federal homeland security strategy.

SECTION 7. Subchapter A, Chapter 421, Government Code, is amended by adding Section 421.0025 to read as follows:

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

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

(b) The Border Security Council shall develop and recommend to the State Office of Homeland Security performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the State Office of Homeland Security for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds.

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system as outlined in the federal Department of Homeland Security publication "National Incident Management System," published March 1, 2004.

(d) [↔] The governor's homeland security strategy must complement and operate in coordination with the federal homeland security strategy.

(e) Common carrier pipelines are critical infrastructure for the State, and are authorized to exercise the powers under Section 111.019 Nat. Resources Code regardless of the form of business organization.

SECTION 5. Subchapter A, Chapter 421, Government Code, is amended by adding Section 421.0025 to read as follows:

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

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

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

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

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

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

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

SECTION 8. 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:

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

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

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

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

SECTION 6. 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[:]

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- (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.

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- [(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 primary responsibility to analyze and disseminate multijurisdictional criminal intelligence information that is about terrorist activities or otherwise related to homeland security activities [that information]. An agency, other than an agency as defined by Section 2.12, 1-4 of the Code of Criminal Procedures, must obtain the approval of the department before the agency may analyze or disseminate information described by this subsection. An agency other than the department may use information described by this subsection only for a law enforcement or public safety purpose.

(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, and control access to the Texas Data Exchange or any other similar comprehensive intelligence database. This subsection does not prohibit a state or local law enforcement agency that has been granted access to the Texas Data Exchange or any other similar comprehensive intelligence database from obtaining and using information from the database for a valid law enforcement purpose.

SECTION 7. Same as House version.

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Code, is amended by adding Section 421.0035 to read as follows:

Sec. 421.0035. CERTAIN COOPERATION REQUIRED. The governor and the governor's office shall cooperate with the Department of Public Safety to:
(1) transfer to the department control of the Texas Data Exchange or any other similar comprehensive intelligence database and any information contained in the Texas Data Exchange or any other similar comprehensive intelligence database;
(2) transfer to the department any federal funds received by the governor or the governor's office for the operation or maintenance of the Texas Data Exchange or any other similar comprehensive intelligence database; and
(3) ensure that the department receives any federal funds received by this state for the operation or maintenance of the Texas Data Exchange or any other similar comprehensive intelligence database.

SECTION 10. Subchapter A, Chapter 421, Government Code, is amended by adding Section 421.005 to read as follows:

Sec. 421.005. INTERIM COMMITTEE ON BORDER SECURITY. (a) The interim committee on border security consists of:
(1) the chair of the House Committee on Border and International Affairs or its successor in function;
(2) the chair of the House Committee on Defense Affairs and State-Federal Relations or its successor in

No equivalent provision.

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function;

(3) the chair of the House Committee on State Affairs or its successor in function;

(4) the chair of the Senate Committee on International Relations and Trade;

(5) the chair of the Senate Committee on State Affairs;

(6) the chair of the Senate Committee on Transportation and Homeland Security;

(7) two additional members of the house of representatives appointed by the speaker of the house of representatives; and

(8) two additional members of the senate appointed by the lieutenant governor.

(b) The members of the interim committee appointed under Subsections (a)(7) and (8) serve at the will of the appointing officer.

(c) The speaker of the house of representatives and the lieutenant governor shall each designate a co-chair from among the committee members.

(d) The committee shall meet initially at the joint call of the co-chairs and the committee shall subsequently hold meetings and public hearings at the call of the co-chairs.

(e) The committee shall conduct an interim study of border security issues in this state. The committee shall issue a report to the legislature not later than December 1, 2008.

(f) This section expires January 1, 2009.

SECTION 11. Subchapter A, Chapter 421, Government

No equivalent provision.

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Code, is amended by adding Section 421.006 to read as follows:

Sec. 421.006. AUDIT BY STATE AUDITOR. The State Office of Homeland Security, Texas Fusion Center, Border Security Council, Texas Data Exchange, and other offices, agencies, and programs under this chapter are subject to audit by the state auditor in accordance with Chapter 321.

SECTION 12. Section 421.071, Government Code, is amended to read as follows:

Sec. 421.071. COOPERATION AND ASSISTANCE; **COMPLIANCE WITH APPLICABLE LAW.** (a) A state or local agency that performs a homeland security activity or a nongovernmental entity that contracts with a state or local agency to perform a homeland security activity shall cooperate with and assist the office of the governor, the Homeland Security Council, the Texas Fusion [~~Infrastructure Protection Communications~~] Center, and the National Infrastructure Protection Center in the performance of their duties under this chapter and other state or federal law.

(b) A state governmental entity or political subdivision may not adopt a rule, policy, or ordinance under which the state governmental entity or political subdivision will:

(1) not enforce state or federal criminal law relating to drugs, including Chapters 481 and 483, Health and Safety Code;

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SECTION 8. Section 421.071, Government Code, is amended to read as follows:

Sec. 421.071. COOPERATION AND ASSISTANCE. A state or local agency that performs a homeland security activity or a nongovernmental entity that contracts with a state or local agency to perform a homeland security activity shall cooperate with and assist the office of the governor, the Homeland Security Council, the Texas Fusion [~~Infrastructure Protection Communications~~] Center, and the National Infrastructure Protection Center in the performance of their duties under this chapter and other state or federal law.

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(2) refuse to cooperate with federal authorities in enforcing 8 U.S.C. Section 1252c; or

(3) violate 8 U.S.C. Section 1324.

(c) If the attorney general determines that a state governmental entity or political subdivision has violated Subsection (b), the state governmental entity or political subdivision shall promptly forfeit and repay to the appropriate entity all funds granted to the state governmental entity or political subdivision for purposes related to homeland security, including border security.

The attorney general shall stay the duty to repay pending the outcome of an appeal under Subsection (d).

(d) Not later than the 21st day after the date of receiving notice of the determination, a state governmental entity may appeal a determination under Subsection (c) to a Travis County district court and a political subdivision may appeal a determination under Subsection (c) to a district court with jurisdiction in a county in which the political subdivision is located.

SECTION 13. Section 421.072, Government Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) The State Office of Homeland Security, with the advice of the Border Security Council, [office of the governor] shall:

(1) allocate available federal and state grants and other funding related to homeland security to state and local agencies and defense base development authorities

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SECTION 9. Section 421.072, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The office of the governor, with the advice of the Border Security Council, shall:

(1) allocate available federal and state grants and other funding related to homeland security to state and local agencies and defense base development authorities

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created under Chapter 379B, Local Government Code, that perform homeland security activities;

(2) periodically review the grants and other funding for appropriateness and compliance;

(3) designate state administering agencies to administer all grants and other funding to the state related to homeland security; ~~and~~

(4) measure the effectiveness of the homeland security grants and other funding; and

(5) develop objective criteria to evaluate the use of grants and other funds allocated to an entity under this section, including taking into consideration:

(A) the number of officers and employees of the entity;

(B) the size and population of the geographic area under the jurisdiction of the entity;

(C) the size of the border area for which the entity is responsible, if applicable;

(D) the number of arrests made by the entity as a result of the funding, if applicable; and

(E) the number of prosecutions made by the entity as a result of the funding, if applicable.

(d) The office of the governor and the State Office of Homeland Security may allocate grants for homeland security purposes only to public law enforcement agencies or other public entities as provided by Subsection (a).

(e) In allocating grants and other funds to law enforcement entities for border security purposes under Subsection (a), the State Office of Homeland Security shall consider:

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created under Chapter 379B, Local Government Code, that perform homeland security activities;

(2) periodically review the grants and other funding for appropriateness and compliance;

(3) designate state administering agencies to administer all grants and other funding to the state related to homeland security; ~~and~~

(4) measure the effectiveness of the homeland security grants and other funding; and

(5) develop objective criteria to evaluate the use of grants and other funds allocated to an entity under this section, including taking into consideration:

(A) the number of officers and employees of the entity;

(B) the size and population of the geographic area under the jurisdiction of the entity;

(C) the size of the border area for which the entity is responsible, if applicable;

(D) the number of arrests made by the entity as a result of the funding, if applicable; and

(E) the number of prosecutions made by the entity as a result of the funding, if applicable.

(d) The office of the governor may allocate grants for homeland security purposes only to public law enforcement agencies or other public entities as provided by Subsection (a).

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- (1) the portion of the Texas-Mexico border for which the entity has jurisdiction; and
- (2) the extent to which the entity provides law enforcement services along the border.

SECTION 14. The heading to Subchapter E, Chapter 421, Government Code, is amended to read as follows:
SUBCHAPTER E. TEXAS FUSION
~~[INFRASTRUCTURE~~ PROTECTION
~~COMMUNICATIONS]~~ CENTER

SECTION 10. Same as House version.

SECTION 15. Section 421.081, Government Code, is amended to read as follows:
Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The Department of Public Safety of the State of Texas at the request of the governor shall provide facilities and administrative support for the Texas Fusion ~~[Infrastructure~~ Protection ~~Communications]~~ Center.

SECTION 11. Same as House version.

SECTION 16. Subchapter H, Chapter 2155, Government Code, is amended by adding Section 2155.452 to read as follows:
Sec. 2155.452. CERTAIN CONTRACTS FOR HOMELAND SECURITY OR LAW ENFORCEMENT TECHNOLOGY. A state governmental entity that issues a request for proposals for technological products

SECTION 12. Same as House version.

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or services for homeland security or law enforcement purposes must allow a business entity to substitute the qualifications of its executive officers or managers for the qualifications required of the business entity in the request for proposals.

SECTION 17. Section 370.003, Local Government Code, is amended to read as follows:

Sec. 370.003. MUNICIPAL OR COUNTY POLICY REGARDING ~~[ENFORCEMENT OF]~~ DRUG LAWS OR CERTAIN LAWS RELATING TO IMMIGRATION.

The governing body of a municipality, the commissioners court of a county, or a sheriff, municipal police department, municipal attorney, county attorney, district attorney, or criminal district attorney may not adopt a policy under which the entity will:

(1) not ~~fully~~ enforce criminal laws relating to drugs, including Chapters 481 and 483, Health and Safety Code, and federal law;

(2) refuse to take an action that is authorized under 8 U.S.C. Section 1252c and permitted under state law; or

(3) violate 8 U.S.C. Section 1324.

SECTION 18. Chapter 370, Local Government Code, is amended by adding Section 370.004 to read as follows:

Sec. 370.004. PERFORMANCE OF IMMIGRATION OFFICER FUNCTIONS. Notwithstanding any other

No equivalent provision.

SECTION 13. Chapter 370, Local Government Code, is amended by adding Section 370.004 to read as follows:

Sec. 370.004. PERFORMANCE OF IMMIGRATION OFFICER FUNCTIONS. (a) Notwithstanding any other

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law, a political subdivision of this state may enter into an agreement under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357(g)), to perform a function of an immigration officer.

SECTION 19. The heading to Chapter 370, Local Government Code, is amended to read as follows:

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO ~~[MUNICIPAL AND COUNTY]~~ HEALTH AND PUBLIC SAFETY AFFECTING MORE THAN ONE TYPE OF LOCAL GOVERNMENT

SECTION 20. Article 2.13, Code of Criminal Procedure, is amended by adding Subsection (d) to read

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law, a political subdivision of this state may enter into an agreement under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357(g)), to perform a function of an immigration officer.

(b) If a political subdivision enters into an agreement described by Subsection (a):

(1) neither the agreement nor the political subdivision may require a peace officer employed, appointed, or commissioned by the political subdivision to violate Article 2.131, Code of Criminal Procedure; and

(2) the agreement and the political subdivision must require a peace officer employed, appointed, or commissioned by the political subdivision to comply with the reporting requirements described by Article 2.133, Code of Criminal Procedure, when the peace officer is performing a function of an immigration officer.

SECTION 14. Same as House version.

No equivalent provision.

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as follows:

(d) Neither a state governmental entity nor a municipality may adopt a rule, policy, or ordinance, or follow or establish a commonly accepted practice, that requires a peace officer to violate a state or federal criminal law.

SECTION 21. Article 61.02(c), Code of Criminal Procedure, is amended to read as follows:

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

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

(2) consist of:

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

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

(C) any two of the following:

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

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

(iii) [~~(C)~~] a corroborated identification of the individual

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as a criminal street gang member by an informant or other individual of unknown reliability;

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

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

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

SECTION 22. Article 61.06(c), Code of Criminal Procedure, is amended to read as follows:

(c) In determining whether information is required to be removed from an intelligence database under Subsection (b), the three-year period does not include any period during which the individual who is the subject of the information is:

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

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(2) committed to a secure correctional facility operated by or under contract with the Texas Youth Commission, as defined by Section 51.02, Family Code; or
(3) confined in a county jail or a facility operated by a juvenile board in lieu of being confined in a correctional facility operated by or under contract with the Texas Department of Criminal Justice or being committed to a secure correctional facility operated by or under contract with the Texas Youth Commission.

SECTION 23. Chapter 61, Code of Criminal Procedure, is amended by adding Article 61.075 to read as follows:
Art. 61.075. RIGHT TO REQUEST EXISTENCE OF CRIMINAL INFORMATION. (a) A person or the parent or guardian of a child may request a law enforcement agency to determine whether the agency has collected or is maintaining **under this chapter** criminal information relating solely to the person or child. The law enforcement agency shall respond to the request not later than the 10th business day after the date the agency receives the request.
(b) Before responding to a request under Subsection (a), a law enforcement agency may require reasonable written verification of the identity of the person making the request and the relationship between the parent or guardian and the child, if applicable, including written verification of an address, date of birth, driver's license number, state identification card number, or social security number.

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SECTION 17. Chapter 61, Code of Criminal Procedure, is amended by adding Article 61.075 to read as follows:
Art. 61.075. RIGHT TO REQUEST EXISTENCE OF CRIMINAL INFORMATION. (a) A person or the parent or guardian of a child may request a law enforcement agency to determine whether the agency has collected or is maintaining, **under criteria established under Article 61.02(c),** criminal information relating solely to the person or child. The law enforcement agency shall respond to the request not later than ~~the~~ 10th business day after the date the agency receives the request.
(b) Before responding to a request under Subsection (a), a law enforcement agency may require reasonable written verification of the identity of the person making the request and the relationship between the parent or guardian and the child, if applicable, including written verification of an address, date of birth, driver's license number, state identification card number, or social

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security number.

No equivalent provision.

SECTION 18. The speaker of the house of representatives and the lieutenant governor may assign a joint interim committee to evaluate whether it would add efficiency to the state's criminal justice system, in terms of time and money, for this state or for certain political subdivisions of this state to seek one or more agreements under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357(g)).

No equivalent provision.

SECTION __. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0191 to read as follows:
Art. 42.0191. FINDING REGARDING VICTIMS OF TRAFFICKING OR OTHER ABUSE. (a) In the trial of an offense, on the motion of the attorney representing the state the judge shall make an affirmative finding of fact and enter the affirmative finding in the papers in the case if the judge determines that, regardless of whether the conduct at issue is the subject of the prosecution or part of the same criminal episode as the conduct that is the subject of the prosecution, a victim in the trial:
(1) is or has been a victim of a severe form of trafficking in persons, as defined by 22 U.S.C. Section 7102(8); or
(2) has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described by 8 U.S.C. Section 1101(a)(15)(U)(iii).
(b) That part of the papers in the case containing an

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affirmative finding under this article:

- (1) must include specific information identifying the victim, as available;
- (2) may not include information identifying the victim's location; and
- (3) is confidential, unless written consent for the release of the affirmative finding is obtained from the victim or, if the victim is younger than 18 years of age, the victim's parent or guardian.

No equivalent provision.

SECTION __. Section 5, Article 42.12, Code of Criminal Procedure, is amended by adding Subsections (i) and (j) to read as follows:

(i) If a judge places on community supervision under this section a defendant charged with an offense, on the motion of the attorney representing the state the judge shall make an affirmative finding of fact and file a statement of that affirmative finding in the papers in the case if the judge determines that, regardless of whether the conduct at issue is the subject of the prosecution or part of the same criminal episode as the conduct that is the subject of the prosecution, a victim in the trial:

- (1) is or has been a victim of a severe form of trafficking in persons, as defined by 22 U.S.C. Section 7102(8); or
- (2) has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described by 8 U.S.C. Section 1101(a)(15)(U)(iii).

(j) That part of the papers in the case containing an affirmative finding under Subsection (i):

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- (1) must include specific information identifying the victim, as available;
- (2) may not include information identifying the victim's location; and
- (3) is confidential, unless written consent for the release of the affirmative finding is obtained from the victim or, if the victim is younger than 18 years of age, the victim's parent or guardian.

No equivalent provision.

SECTION __. Section 54.04, Family Code, is amended by adding Subsections (v) and (w) to read as follows:

(v) If the judge orders a disposition under this section for delinquent conduct based on a violation of an offense, on the motion of the attorney representing the state the judge shall make an affirmative finding of fact and enter the affirmative finding in the papers in the case if the judge determines that, regardless of whether the conduct at issue is the subject of the prosecution or part of the same criminal episode as the conduct that is the subject of the prosecution, a victim in the trial:

- (1) is or has been a victim of a severe form of trafficking in persons, as defined by 22 U.S.C. Section 7102(8); or
- (2) has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described by 8 U.S.C. Section 1101(a)(15)(U)(iii).

(w) That part of the papers in the case containing an affirmative finding under Subsection (v):

- (1) must include specific information identifying the victim, as available;

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(2) may not include information identifying the victim's location; and

(3) is confidential, unless written consent for the release of the affirmative finding is obtained from the victim or, if the victim is younger than 18 years of age, the victim's parent or guardian.

No equivalent provision.

SECTION __. Section 20A.01, Penal Code, is amended to read as follows:

Sec. 20A.01. DEFINITIONS. In this chapter:

(1) "Forced labor or services" means labor or services, including conduct that constitutes an offense under Section 43.02, that are performed or provided by another person and obtained through an actor's:

(A) causing or threatening to cause bodily injury to the person or another person or otherwise causing the person performing or providing labor or services to believe that the person or another person will suffer bodily injury;

(B) restraining or threatening to restrain the person or another person in a manner described by Section 20.01(1) or causing the person performing or providing labor or services to believe that the person or another person will be restrained; [ø]

(C) knowingly destroying, concealing, removing, confiscating, or withholding from the person or another person, or threatening to destroy, conceal, remove, confiscate, or withhold from the person or another person, the person's actual or purported:

(i) government records;

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- (ii) identifying information; or
 - (iii) personal property;
 - (D) threatening the person with abuse of the law or the legal process in relation to the person or another person;
 - (E) threatening to report the person or another person to immigration officials or other law enforcement officials or otherwise blackmailing or extorting the person or another person;
 - (F) exerting financial control over the person or another person by placing the person or another person under the actor's control as security for a debt to the extent that:
 - (i) the value of the services provided by the person or another person as reasonably assessed is not applied toward the liquidation of the debt;
 - (ii) the duration of the services provided by the person or another person is not limited and the nature of the services provided by the person or another person is not defined; or
 - (iii) the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred; or
 - (G) using any scheme, plan, or pattern intended to cause the person to believe that the person or another person will be subjected to serious harm or restraint if the person does not perform or provide the labor or services.
- (2) "Traffic" means to transport, ~~[another person or to]~~ entice, recruit, harbor, provide, or otherwise obtain another person by any means ~~[for transport by deception, coercion, or force].~~

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No equivalent provision.

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SECTION __. Sections 20A.02(a) and (b), Penal Code, are amended to read as follows:

- (a) A person commits an offense if the person:
 - (1) knowingly traffics another person with the intent or knowledge that the trafficked person will engage in[
[(1)] forced labor or services; or
 - (2) intentionally or knowingly benefits from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services [conduct that constitutes an offense under Chapter 43].
- (b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:
 - (1) the applicable conduct constitutes an offense under Section 43.02 [offense is committed under Subsection (a)(2)] and the person who is trafficked is younger than 18 [14] years of age at the time of the offense; or
 - (2) the commission of the offense results in the death of the person who is trafficked.

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No equivalent provision.

SECTION __. Section 125.002, Civil Practice and Remedies Code, is amended by adding Subsection (f-1) to read as follows:
(f-1) If the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is

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under Section 125.0015(a)(6) or (7), the bond must also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001, Occupations Code, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

No equivalent provision.

SECTION __. Section 125.045, Civil Practice and Remedies Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is under Section 125.0015(a)(6) or (7), the bond must also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001, Occupations Code, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

No equivalent provision.

SECTION __. (a) Not later than September 1, 2008, the attorney general, in consultation with the Health and

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Human Services Commission, shall prepare and issue a report:

(1) outlining how existing laws and rules concerning victims and witnesses address or fail to address the needs of victims of human trafficking; and

(2) recommending areas of improvement and modifications in existing laws and rules.

(b) Not later than September 1, 2008, the Health and Human Services Commission, in consultation with the attorney general, shall prepare and issue a report:

(1) outlining how existing social service programs address or fail to address the needs of victims of human trafficking;

(2) with respect to those needs, outlining the interplay of existing social service programs with federally funded victim service programs; and

(3) recommending areas of improvement and modifications in existing social service programs.

No equivalent provision.

SECTION __. Sections 20A.01 and 20A.02, Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

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No equivalent provision.

SECTION __. Section 125.002(f-1) and Section 125.045(a-1), Civil Practice and Remedies Code, as added by this Act, apply only to a suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

No equivalent provision.

SECTION __. The change in law made by this Act in adding Article 42.0191, Code of Criminal Procedure, Sections 5(i) and (j), Article 42.12, Code of Criminal Procedure, and Sections 54.04(v) and (w), Family Code, applies only to a judgment of conviction entered on or after the effective date of this Act, a grant of deferred adjudication made on or after the effective date of this Act, or a disposition of delinquent conduct made on or after the effective date of this Act.

No equivalent provision.

SECTION __. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.2535 to read as follows:
Sec. 1701.2535. TRAINING PROGRAMS: TRAFFICKING OF PERSONS. (a) The commission shall design and establish a one-time basic education and training program and an advanced education and training program relating to the trafficking of persons. Each program must include a review of the substance of Sections 20A.02 and 43.05, Penal Code.

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- (b) The basic education and training program must consist of at least four hours of training and must be made available through at least two of the following alternative methods:
- (1) live presentation;
 - (2) online presentation;
 - (3) video presentation; and
 - (4) regional distance learning presentation.
- (c) The commission shall:
- (1) require each peace officer to complete the basic education and training program; and
 - (2) make available to each peace officer on a voluntary basis the advanced education and training program.
- (d) Not later than September 1, 2012, a peace officer who holds a license issued by the commission before September 1, 2007, shall complete the basic education and training program relating to the trafficking of persons required by this section. This subsection expires September 1, 2013.
- (e) Not later than January 1, 2008, the commission shall begin offering the basic and advanced programs established under this section. This subsection expires September 1, 2008.

No equivalent provision.

SECTION __. Subchapter D, Chapter 411, Government Code, is amended by adding Sections 411.052 and 411.0521 to read as follows:
Sec. 411.052. FEDERAL FIREARM REPORTING. (a) In this section, "federal prohibited person information"

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means information that identifies an individual as:

(1) a person ordered by a court to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2) a person with mental retardation committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(3) an incapacitated adult individual for whom a court has appointed a guardian with full authority over the individual under Chapter XIII, Probate Code;

(4) a person determined to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; or

(5) a person acquitted in a criminal case by reason of insanity.

(b) The department by rule shall establish a procedure to provide federal prohibited person information to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System. Except as otherwise provided by state law, the department may disseminate federal prohibited person information under this subsection only to the extent necessary to allow the Federal Bureau of Investigation to collect and maintain a list of persons who are prohibited under federal law from engaging in certain activities with respect to a firearm.

(c) The department shall grant access to federal prohibited person information to the person who is the subject of the information.

(d) Federal prohibited person information maintained by the department is confidential information for the use of the department and, except as otherwise provided by this

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section and other state law, may not be disseminated by the department.

(e) The department by rule shall establish a procedure to correct the department's records and update the information sent to the Federal Bureau of Investigation when a person provides:

(1) proof that the person has obtained notice of relief from disabilities under 27 C.F.R. Section 478.144; and

(2) a copy of a judicial order or finding stating that the person no longer suffers from mental illness or mental retardation or is no longer incompetent to stand trial or an incapacitated adult.

Sec. 411.0521. REPORT BY COURT TO DEPARTMENT OF PUBLIC SAFETY. (a) The clerk of the court shall prepare and forward to the Department of Public Safety the information described by Subsection (b) not later than the 30th day after the date the court:

(1) orders a person to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2) commits a person with mental retardation for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(3) appoints a guardian with full authority over an incapacitated adult individual under Chapter XIII, Probate Code;

(4) determines a person is incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; or

(5) acquits a person in a criminal case by reason of insanity.

(b) The clerk of the court shall prepare and forward the

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following information under Subsection (a):

- (1) the complete name, race, and sex of the person;
- (2) any known identifying number of the person, including social security number, driver's license number, or state identification number;
- (3) the person's date of birth; and
- (4) a certified copy of:
 - (A) the order for inpatient mental health services;
 - (B) the order committing the person to a residential care facility;
 - (C) the order appointing a guardian;
 - (D) the order determining that the person is incompetent to stand trial; or
 - (E) the order acquitting a person in a criminal case by reason of insanity.
- (c) As soon as practicable after the date the information becomes available, the clerk of the court shall also prepare and forward to the Department of Public Safety the following information regarding a court order previously reported to the department under Subsection (a):
 - (1) a subsequent reversal or modification of the order by any court; or
 - (2) notification of the expiration of the order, if applicable.
- (d) The duty of a clerk to prepare and forward information under this section is not affected by:
 - (1) any subsequent appeal of the court order;
 - (2) any subsequent modification of the court order; or
 - (3) the expiration of the court order.

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No equivalent provision.

SECTION __. Each clerk of the court shall prepare and forward information required to be forwarded to the Department of Public Safety by Section 411.0521, Government Code, as added by this Act, for each order issued on or after September 1, 2003. Not later than September 1, 2008, each clerk of the court shall prepare and forward the information for any court orders issued on or after September 1, 2003, and before September 1, 2007.

No equivalent provision.

SECTION __. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle [~~traffie~~] stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [~~or~~] Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The

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policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle [~~traffic~~] stops in which a citation is issued and to arrests made as a result of [~~resulting from~~] those [traffic] stops, including information relating to:
 - (A) the race or ethnicity of the individual detained; and
 - (B) whether a search was conducted and, if so, whether the individual [~~person~~] detained consented to the search; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

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(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [~~traffic~~] stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [~~traffic~~] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle [~~traffic~~] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On notice that a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the Commission on Law Enforcement Officer Standards and Education shall begin disciplinary procedures against the chief administrator of the agency.

No equivalent provision.

SECTION __. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [~~TRAFFIC AND PEDESTRIAN~~] STOPS.

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- (a) In this article, "race":
~~[(1) "Race] or ethnicity" has the meaning assigned by Article 2.132(a).
[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:
- (1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:
 - (A) the person's gender; and
 - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
 - (2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~
 - (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
 - (4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered]~~;
 - (5) the reason for the search, including whether:

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(A) any contraband or other evidence was in plain view;
(B) any probable cause or reasonable suspicion existed to perform the search; or
(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~
(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
(7) the street address or approximate location of the stop; and
(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

No equivalent provision.

SECTION __. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:
(a) In this article, "motor vehicle [pedestrian] stop" ~~has the meaning assigned by Article 2.132 [means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~
(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of

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each year, each [local] law enforcement agency shall submit a report containing the incident-based data [information] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [~~in a manner approved by the agency~~].

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of motor vehicle [traffic and pedestrian] stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [traffic or pedestrian] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer

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Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On notice that a law enforcement agency intentionally failed to submit a report required under Subsection (b), the Commission on Law Enforcement Officer Standards and Education shall begin disciplinary procedures against the chief administrator of the agency.

No equivalent provision.

SECTION __. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with transmitter-activated equipment; and

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(B) each motor vehicle [~~traffic and pedestrian~~] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning

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assigned by Article 2.132.

No equivalent provision.

SECTION __. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

No equivalent provision.

SECTION __. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

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- (1) involves the operation of a motor vehicle; and
- (2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.
- (b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 15 cents as a cost of court.
- (c) In this article, a person is considered convicted if:
 - (1) a sentence is imposed on the person;
 - (2) the person receives community supervision, including deferred adjudication; or
 - (3) the court defers final disposition of the person's case.
- (d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.
- (e) The custodian of a county or municipal treasury shall:
 - (1) keep records of the amount of funds on deposit collected under this article; and
 - (2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.
- (f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

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(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

No equivalent provision.

SECTION __. Section 102.061, Government Code, is amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT.

The clerk of a statutory county court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$20;
- (2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) ... \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) ... \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$3;
- (5) a graffiti eradication fee (Art. 102.0171, Code of

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Criminal Procedure) ... \$5;
(6) a court cost on conviction in Comal County (Sec. 152.0522, Human Resources Code) ... \$4; ~~and~~
(7) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) ... \$5; and
(8) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.15.

No equivalent provision.

SECTION __. Section 102.081, Government Code, is amended to read as follows:
Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT. The clerk of a county court shall collect fees and costs on conviction of a defendant as follows:
(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure). . . \$25;
(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure). . . \$3;
(5) a graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$5; ~~and~~
(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . \$5; and
(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.15.

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No equivalent provision.

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SECTION __. Section 102.101, Government Code, as amended by Chapters 240 and 949, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT. A clerk of a justice court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4; ~~and~~
- (6) a court cost on conviction in Comal County (Sec. 152.0522, Human Resources Code) . . . \$1.50; ~~and~~
- (7) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . \$5; ~~and~~
- (8) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.15.

No equivalent provision.

SECTION __. Section 102.121, Government Code, is

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amended to read as follows:

Sec. 102.121. **ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT.** The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) ... \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) ... one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) ... not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) ... \$5; ~~and~~
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.15.

No equivalent provision.

SECTION __. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.162 to read as follows:
Sec. 1701.162. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall

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collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, and the University of North Texas shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

No equivalent provision.

SECTION __. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:
(a) The commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
(1) this chapter;
(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
(3) a commission rule.

No equivalent provision.

SECTION __. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply

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only to information based on a motor vehicle stop occurring on or after January 1, 2008.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

No equivalent provision.

SECTION __. (a) Subdivision (3), Section 411.141, Government Code, is amended to read as follows:

(3) "Criminal justice agency" means:

(A) a federal or state agency that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice;

(B) a secure correctional facility as defined by Section 1.07, Penal Code; or

(C) a community supervision and corrections department, parole office, or a local juvenile probation department or parole office [has the meaning assigned by Article 60.01, Code of Criminal Procedure].

SECTION __. (b) Section 411.148, Government Code, as reenacted and amended by Chapters 1224 and 1245, Acts of the 79th Legislature, Regular Session, 2005, is

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reenacted and further amended to read as follows:

Sec. 411.148. MANDATORY DNA RECORD. (a)

This section applies to[:

~~[(1)]~~ an individual who is:

~~(1) [(A)]~~ ordered by a magistrate or court to provide a DNA sample under Section ~~[411.150 or]~~ 411.154 or other law; or

~~(2) convicted of a felony[(B) confined in a penal institution operated by or under contract with the Texas Department of Criminal Justice; or~~

~~[(2) a juvenile who is, after an adjudication for conduct constituting a felony, confined in a facility operated by or under contract with the Texas Youth Commission].~~

(b) This section does not apply to a juvenile who is ordered by a juvenile court to provide a DNA sample under Section 411.150.

(c) An individual described by Subsection (a) shall provide one or more DNA samples for the purpose of creating a DNA record.

(d) ~~[(e)]~~ A criminal justice agency shall collect a sample ordered by a magistrate or court as provided by Subsection (a)(1) in compliance with the order.

(e) During the diagnostic process or at another time determined by the department, [(d) If an individual described by Subsection (a)(1)(B) is received into custody by] the Texas Department of Criminal Justice[; that department] shall collect the sample from an [the] individual described by Subsection (a) who is imprisoned in a penal institution operated by or under contract with the department or who is under the supervision of the

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pardons and paroles division of [during the diagnostic process or at another time determined by] the Texas Department of Criminal Justice. If an individual described by Subsection (a) is in the custody or under the supervision of another criminal justice agency such as a community supervision and corrections department, that agency shall collect the sample from the individual at a time determined by the agency.

[(e) If an individual described by Subsection (a)(2) is received into custody by the Texas Youth Commission, the youth commission shall collect the sample from the individual during the initial examination or at another time determined by the youth commission.]

(f) If an individual described by Subsection (a) is due to be released from a penal institution operated by or under contract with the Texas Department of Criminal Justice, the [The] Texas Department of Criminal Justice shall notify the director of the individual's release [that an individual described by Subsection (a) is to be released from custody] not earlier than the 120th day before the individual's release date and not later than the 90th day before the individual's release date. [The Texas Youth Commission shall notify the director that an individual described by Subsection (a) is to be released from custody not earlier than the 10th day before the individual's release date.] The Texas Department of Criminal Justice [and the Texas Youth Commission], in consultation with the director, shall determine the form of the notification described by this subsection.

(g) A medical staff employee of a criminal justice

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agency may collect a voluntary sample from an individual at any time.

(h) An employee of a criminal justice agency may use force against an individual required to provide a DNA sample under this section when and to the degree the employee reasonably believes the force is immediately necessary to collect the sample.

(i) ~~If [(1) The Texas Department of Criminal Justice as soon as practicable shall cause a sample to be collected from an individual described by Subsection (a)(1)(B) if:~~

~~[(A) the individual is confined in another penal institution after sentencing and before admission to the department; and~~

~~[(B) the department determines that the individual is likely to be released before being admitted to the department.~~

~~[(2) The administrator of the other penal institution shall cooperate with the Texas Department of Criminal Justice as necessary to allow the Texas Department of Criminal Justice to perform its duties under this subsection.~~

~~[(j)(1) The Texas Youth Commission as soon as practicable shall cause a sample to be collected from an individual described by Subsection (a)(2) if:~~

~~[(A) the individual is detained in another juvenile detention facility after adjudication and before admission to the youth commission; and~~

~~[(B) the youth commission determines the individual is likely to be released before being admitted to the youth commission.~~

~~[(2) The administrator of the other juvenile detention~~

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~~facility shall cooperate with the Texas Youth Commission as necessary to allow the youth commission to perform its duties under this subsection.~~

~~[(k) When]~~ a criminal justice agency of this state agrees to accept custody or supervision of an individual from another state or jurisdiction under an interstate compact or a reciprocal agreement with a local, county, state, or federal agency, the acceptance is conditional on the individual providing a DNA sample under this subchapter if the individual was convicted of a felony.

~~(j) [(4)]~~ If, in consultation with the director, it is determined that an acceptable sample has already been received from an individual, additional samples are not required unless requested by the director.

SECTION __. (c) Section 411.150, Government Code, is amended to read as follows:

Sec. 411.150. DNA RECORDS OF CERTAIN JUVENILES. (a) A juvenile to whom this section applies ~~[who is committed to the Texas Youth Commission]~~ shall provide one or more DNA ~~[blood]~~ samples or other specimens ~~[taken by or at the request of the commission]~~ for the purpose of creating a DNA record if the juvenile has not already provided the required sample ~~[specimen]~~ under other state law or if the director makes a request for the sample as described by Subsection (h). If the juvenile is committed to or under the supervision of the commission, the Texas Youth Commission shall collect the sample during the initial examination or at another time determined by the commission. If the juvenile is in the custody or under

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~~the supervision of another criminal justice agency such as a local juvenile probation department, that agency shall collect the sample from the juvenile at a time determined by the agency [and if the juvenile is ordered by a juvenile court to give the sample or specimen or is committed to the commission for an adjudication as having engaged in delinquent conduct that violates:~~

~~[(1) an offense:~~

~~[(A) under Section 19.02, Penal Code (murder), or Section 22.02, Penal Code (aggravated assault);~~

~~[(B) under Section 30.02, Penal Code (burglary), if the offense is punishable under Subsection (c)(2) or (d) of that section; or~~

~~[(C) for which the juvenile is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or~~

~~[(2) a penal law if the juvenile has previously been convicted of or adjudicated as having engaged in:~~

~~[(A) a violation of a penal law described in Subsection (a)(1); or~~

~~[(B) a violation of a penal law under federal law or the laws of another state that involves the same conduct as a violation of a penal law described by Subsection (a)(1)].~~

~~(b) This section applies to a juvenile who is:~~

~~(1) adjudicated as having engaged in conduct constituting the commission of a felony;~~

~~(2) committed to the Texas Youth Commission and ordered by a juvenile court to give a DNA sample; or~~

~~(3) committed to the Texas Youth Commission for an adjudication as having engaged in delinquent conduct~~

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~~that violates a misdemeanor penal law if in this state, in another state, or under federal law the juvenile has previously been convicted of or adjudicated as having engaged in conduct constituting the commission of a felony [The department, in conjunction with the Texas Youth Commission, shall adopt rules regarding the collection, preservation, and shipment of a blood sample or other specimen of a juvenile described by this section].~~

(c) A criminal justice agency shall collect a sample ordered by a juvenile court as provided by Subsection (b)(2) in compliance with the order ~~[The Texas Youth Commission shall:~~

~~[(1) obtain blood samples or other specimens from juveniles under this section;~~

~~[(2) preserve each sample or other specimen collected;~~

~~[(3) maintain a record of the collection of the sample or specimen; and~~

~~[(4) send the sample or specimen to the director for scientific analysis under this subchapter].~~

(d) A medical staff employee of a criminal justice agency ~~[the Texas Youth Commission]~~ may obtain a voluntary sample or specimen from any juvenile.

(e) An employee of a criminal justice agency ~~[the Texas Youth Commission]~~ may use force against a juvenile required to provide a sample under this section when and to the degree the employee reasonably believes the force is immediately necessary to obtain the sample or specimen.

(f) If a juvenile to whom this section applies is due to be

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released from a facility operated by or under contract with the commission, the Texas Youth Commission shall notify the director of the juvenile's release not earlier than the 10th day before the juvenile's release date. The Texas Youth Commission, in consultation with the director, shall determine the form of the notification described by this subsection.

(g) If a criminal justice agency of this state agrees to accept custody or supervision of a juvenile from another state or jurisdiction under an interstate compact or a reciprocal agreement with a local, county, state, or federal agency, the acceptance is conditional on the juvenile providing a DNA sample under this subchapter if the juvenile was adjudicated as having engaged in conduct constituting the commission of a felony.

(h) If, in consultation with the director, it is determined that an acceptable sample has already been received from a juvenile, additional samples are not required unless requested by the director [~~The Texas Youth Commission may contract with an individual or entity for the provision of phlebotomy services under this section~~].

SECTION __. (d) Section 11, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (j) to read as follows:

(j) A judge granting community supervision to a defendant convicted of a felony shall require that the defendant, as a condition of community supervision, provide a DNA sample under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the defendant, unless the defendant has

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already submitted the required sample under other state law.

SECTION __. (e) Chapter 54, Family Code, is amended by adding Section 54.0409 to read as follows:

Sec. 54.0409. DNA SAMPLE REQUIRED ON FELONY ADJUDICATION. If a court or jury makes a disposition under Section 54.04 in which a child adjudicated as having engaged in conduct constituting the commission of a felony is placed on probation, the court shall require as a condition of probation that the child provide a DNA sample under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the child, unless the child has already submitted the required sample under other state law.

SECTION __. (f) Subchapter F, Chapter 508, Government Code, is amended by adding Section 508.1861 to read as follows:

Sec. 508.1861. DNA SAMPLE REQUIRED ON FELONY CONVICTION. A parole panel shall require as a condition of parole or mandatory supervision that a releasee convicted of a felony provide a DNA sample under Subchapter G, Chapter 411, for the purpose of creating a DNA record of the releasee, unless the releasee has already submitted the required sample under other state law.

SECTION __. (g) Subchapter F, Chapter 61, Human Resources Code, is amended by adding Section 61.0814 to read as follows:

Sec. 61.0814. DNA SAMPLE REQUIRED ON

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FELONY ADJUDICATION. Before releasing a child adjudicated as having engaged in conduct constituting the commission of a felony under supervision, the commission shall require as a condition of release that the child provide a DNA sample under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the child, unless the child has already submitted the required sample under other state law.

SECTION __. (h) Except as provided by Subsection (i) of this section, the change in law made by this section to Chapter 411, Government Code, applies to an individual who:

- (1) before September 1, 2007, was not otherwise required by state law to provide a DNA sample; and
- (2) is convicted of committing an offense or is adjudicated as having engaged in conduct constituting the commission of an offense on or after September 1, 2007.

SECTION __. (i) As required by Section 411.148, Government Code, as amended by this section:

- (1) the Texas Department of Criminal Justice shall collect a DNA sample from each individual who was convicted of an offense before September 1, 2007, from whom a DNA sample was not required before September 1, 2007, and who on or after September 1, 2007, is:
 - (A) imprisoned in a penal institution operated by or under contract with the Texas Department of Criminal Justice; or
 - (B) placed under the supervision of the pardons and

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paroles division of the Texas Department of Criminal Justice; and

(2) any other appropriate criminal justice agency shall collect a DNA sample from an individual who was convicted of an offense before September 1, 2007, from whom a DNA sample was not required before September 1, 2007, and who on or after September 1, 2007, is in the custody or placed under the supervision of that agency.

SECTION __. (j) As required by Section 411.150, Government Code, as amended by this section:

(1) the Texas Youth Commission shall collect a DNA sample from a juvenile who was adjudicated as having engaged in conduct constituting the commission of an offense before September 1, 2007, from whom a DNA sample was not required before September 1, 2007, and who on or after September 1, 2007, is committed to or placed under the supervision of the Texas Youth Commission; and

(2) any other appropriate criminal justice agency shall collect a DNA sample from a juvenile who was adjudicated as having engaged in conduct constituting the commission of an offense before September 1, 2007, from whom a DNA sample was not required before September 1, 2007, and who on or after September 1, 2007, is in the custody or placed under the supervision of the agency.

No equivalent provision.

SECTION __. Subchapter B, Chapter 521, Transportation Code, is amended by adding Section

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521.032 to read as follows:

Sec. 521.032. ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a)

The department may issue an enhanced driver's license or personal identification certificate for the purposes of crossing the border between this state and Mexico to an applicant who provides the department with proof of United States citizenship, identity, and state residency. If the department issues an enhanced driver's license or personal identification certificate, the department shall continue to issue a standard driver's license and personal identification certificate and offer each applicant the option of receiving the standard or enhanced driver's license or personal identification certificate.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or personal identification certificate. An applicant for an enhanced driver's license or personal identification certificate must submit a biometric identifier as designated by the department, which, notwithstanding any other law, may be used only to verify the identity of the applicant for purposes relating to implementation of the border crossing initiative established by this section. An applicant must sign a declaration acknowledging the applicant's understanding of the one-to-many biometric match.

(c) The enhanced driver's license or personal identification certificate must include reasonable security measures to protect the privacy of the license or certificate holders, including reasonable safeguards to

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protect against the unauthorized disclosure of information about the holders. If the enhanced driver's license or personal identification certificate includes a radio frequency identification chip or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized information access.

(d) The requirements of this section are in addition to any other requirements imposed on applicants for a driver's license or personal identification certificate. The department shall adopt rules necessary to implement this section. The department shall periodically review technological innovations related to the security of driver's licenses and personal identification certificates and amend the rules as appropriate, consistent with this section, to protect the privacy of driver's license and personal identification certificate holders.

(e) The department may set a fee for issuance of an enhanced driver's license or personal identification certificate in a reasonable amount necessary to implement and administer this section.

(f) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between this state and Mexico. The department may enter into an agreement with Mexico, to the extent permitted by federal law, to implement a border crossing initiative authorized by this section. The department shall implement a statewide education campaign to educate residents of this state about the border crossing initiative.

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The campaign must include information on:

(1) the forms of travel for which the existing and enhanced driver's license and personal identification certificate can be used; and

(2) relevant dates for implementation of laws that affect identification requirements at the border with Mexico.

(g) A person may not sell or otherwise disclose biometric information accessed from an enhanced driver's license or any information from an enhanced driver's license radio frequency identification chip or similar technology to another person or an affiliate of the person. This subsection does not apply to a financial institution described by Section 521.126(e).

No equivalent provision.

SECTION __. Section 101.055, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 101.055. CERTAIN GOVERNMENTAL FUNCTIONS. This chapter does not apply to a claim arising:

(1) in connection with the assessment or collection of taxes by a governmental unit;

(2) from the action of an employee while responding to an emergency call or reacting to an emergency situation if the action is in compliance with the laws and ordinances applicable to emergency action, or in the absence of such a law or ordinance, if the action is not taken with conscious indifference or reckless disregard for the safety of others; ~~[ø]~~

(3) from the failure to provide or the method of

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providing police or fire protection; or
(4) from the action of a peace officer, if:
(A) the peace officer is a:
(i) sheriff or sheriff's deputy; or
(ii) municipal police officer;
(B) the officer is engaged in the pursuit of a motor vehicle and the action:
(i) is in compliance with the laws and ordinances applicable to the peace officer regarding the pursuit of a motor vehicle; or
(ii) in the absence of such law or ordinance, is not taken with conscious indifference or reckless disregard for the safety of others; and
(C) the action occurs while the peace officer is operating a vehicle appropriately marked as an official police vehicle.

SECTION 24. Section 201.613, Transportation Code, is amended to read as follows:

Sec. 201.613. ONE-STOP BORDER INSPECTION FACILITIES ~~[STATIONS]~~. (a) The department shall erect and maintain border ~~[choose a location for an]~~ inspection facilities ~~[station]~~ along a major highway at or near a border crossing from Mexico in the Pharr [Brownsville], [in] Laredo, and [in] El Paso districts for the inspection of motor vehicles for compliance with federal and state commercial motor vehicle regulations ~~[so that all federal, state, and municipal agencies that regulate the passage of persons or vehicles across the~~

SECTION __. Section 201.613, Transportation Code, is amended to read as follows:

Sec. 201.613. ONE-STOP BORDER INSPECTION FACILITIES ~~[STATIONS]~~. (a) The department shall erect and maintain border ~~[choose a location for an]~~ inspection facilities ~~[station]~~ along a major highway at or near a border crossing from Mexico in the Pharr [Brownsville], [in] Laredo, and [in] El Paso districts for the inspection of motor vehicles for compliance with federal and state commercial motor vehicle regulations ~~[so that all federal, state, and municipal agencies that regulate the passage of persons or vehicles across the~~

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~~border at that border crossing may be located in one place].~~

(b) If a facility that serves a bridge that had more than 900,000 commercial border crossings during the state fiscal year ending August 31, 2002, is to be located in a municipality or a municipality's extraterritorial jurisdiction, the municipality may choose the location of the facility within the municipality or the municipality's extraterritorial jurisdiction. The municipality shall choose a location before the later of the 180th day after:

- (1) the date the department makes a request for a location; or
- (2) the effective date of the Act enacting this provision.

(c) Only one inspection facility shall be constructed in a municipality described by this subsection.

(d) In determining the location for a border inspection facility under Subsection (b), the municipality shall:

- (1) obtain and pay for an independent study completed by a university that conducts transportation studies or any other entity that conducts transportation studies to identify commercial truck traffic patterns for the location at which the facility is to be located to ensure that the location has adequate capacity to conduct a sufficient number of meaningful vehicle safety inspections in compliance with 49 U.S.C. Section 13902; and
- (2) choose a location that does not impair the receipt of federal or state funds for implementation of this section.

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~~border at that border crossing may be located in one place].~~

(b) If a facility that serves a bridge that had more than 900,000 commercial border crossings during the state fiscal year ending August 31, 2002, is to be located in a municipality or a municipality's extraterritorial jurisdiction, the municipality may choose the location of the facility within the municipality or the municipality's extraterritorial jurisdiction. The municipality shall choose a location before the later of the 180th day after:

- (1) the date the department makes a request for a location; or
- (2) the effective date of the Act enacting this provision.

(c) One or more inspection facilities may be constructed in a municipality described by this subsection.

(d) In determining the location for a border inspection facility under Subsection (b), the municipality shall:

- (1) obtain and pay for an independent study completed by a university that conducts transportation studies or any other entity that conducts transportation studies to identify commercial truck traffic patterns for the location at which the facility is to be located to ensure that the location has adequate capacity to conduct a sufficient number of meaningful vehicle safety inspections in compliance with 49 U.S.C. Section 13902;
- (2) choose a location that does not impair the receipt of federal or state funds for implementation of this section;
- (3) choose a location within one mile of an international border;
- (4) choose a location within one mile of the U.S.

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Customs and Border Protection federal port of entry; and
(5) choose a location that provides a dedicated route for
commercial vehicles coming from the federal port of
entry to the state port of entry commercial vehicle
inspection station.

(e) To the extent the department considers appropriate to expedite commerce, the department shall provide for implementation by the appropriate agencies of the use of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) in:

(1) any new commercial motor vehicle inspection facility constructed; and

(2) any existing facility to which this section applies.

(f) Implementation of systems under Subsection (e) must be based on the Texas ITS/CVO business plan prepared by the department, the Department of Public Safety, and the comptroller. The department shall coordinate with other state and federal transportation officials to develop interoperability standards for the systems.

(g) In implementing systems under Subsection (e) in the construction of a facility, the department to the greatest extent possible shall:

(1) enhance efficiency and reduce complexity for motor carriers by providing:

(A) a single point of contact between carriers and state and federal officials regulating the carriers; and

(B) a single point of information, available to wireless access, about federal and state regulatory and enforcement requirements;

(e) To the extent the department considers appropriate to expedite commerce, the department shall provide for implementation by the appropriate agencies of the use of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) in:

(1) any new commercial motor vehicle inspection facility constructed; and

(2) any existing facility to which this section applies.

(f) Implementation of systems under Subsection (e) must be based on the Texas ITS/CVO business plan prepared by the department, the Department of Public Safety, and the comptroller. The department shall coordinate with other state and federal transportation officials to develop interoperability standards for the systems.

(g) In implementing systems under Subsection (e) in the construction of a facility, the department to the greatest extent possible shall:

(1) enhance efficiency and reduce complexity for motor carriers by providing:

(A) a single point of contact between carriers and state and federal officials regulating the carriers; and

(B) a single point of information, available to wireless access, about federal and state regulatory and enforcement requirements;

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(2) prevent duplication of state and federal procedures and locations for regulatory and enforcement activities, including consolidation of collection of applicable fees;
(3) link information systems of the department, the Department of Public Safety, the comptroller, and, to the extent possible, the United States Department of Transportation and other appropriate regulatory and enforcement entities; and
(4) take other necessary action to:
(A) facilitate the flow of commerce;
(B) assist federal interdiction efforts;
(C) protect the environment by reducing idling time of commercial motor vehicles at the facilities;
(D) prevent highway damage caused by overweight commercial motor vehicles; and
(E) seek federal funds to assist in the implementation of this section. [The department shall establish and maintain an inspection station at the locations chosen in Subsection (a) only if the federal agencies involved in the regulation of the passage of persons or vehicles at that border crossing agree to the design of the facility at each location and agree to use the facility at each location if built.
~~[(e) The department may enter into agreements with federal, state, and municipal agencies to accomplish the purpose of this section. An agreement may involve the lease of office space at the inspection station by the department to the agency.]~~

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(2) prevent duplication of state and federal procedures and locations for regulatory and enforcement activities, including consolidation of collection of applicable fees;
(3) link information systems of the department, the Department of Public Safety, the comptroller, and, to the extent possible, the United States Department of Transportation and other appropriate regulatory and enforcement entities; and
(4) take other necessary action to:
(A) facilitate the flow of commerce;
(B) assist federal interdiction efforts;
(C) protect the environment by reducing idling time of commercial motor vehicles at the facilities;
(D) prevent highway damage caused by overweight commercial motor vehicles; and
(E) seek federal funds to assist in the implementation of this section. [The department shall establish and maintain an inspection station at the locations chosen in Subsection (a) only if the federal agencies involved in the regulation of the passage of persons or vehicles at that border crossing agree to use the facility at each location if built.]
~~[(e) The department may enter into agreements with federal, state, and municipal agencies to accomplish the purpose of this section. An agreement may involve the lease of office space at the inspection station by the department to the agency.]~~

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SECTION 25. The House Committee on Corrections may conduct a study to determine whether it would add efficiency to the state's criminal justice system, in terms of time and money, for this state or for certain political subdivisions of this state to seek one or more agreements under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357(g)).

SECTION 26. As soon as practicable after the effective date of this Act, the governor shall appoint the director of the State Office of Homeland Security to a term expiring February 1, 2009.

SECTION 27. Not later than December 1, 2007, the attorney general shall establish the law enforcement integrity unit under Section 402.031, Government Code, as added by this Act.

SECTION 28. The Texas Department of Transportation shall spend the money appropriated during the 76th Legislature for Section 201.613, Transportation Code, as added by Chapter 1527, Acts of the 76th Legislature, Regular Session, 1999, or money received from the federal government to establish the border inspection facilities under Section 201.613, Transportation Code, as amended by this Act.

SENATE VERSION

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION __. Same as House version.

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SECTION 29. (a) Not later than September 1, 2008, the Border Security Council, in consultation with any relevant agency, shall prepare, issue, and distribute to the governor and each member of the legislature a report:

(1) that provides the number of victims of human trafficking that have crossed the border, annually since the year 2000, as defined by Chapter 20A, Penal Code, with at least the following information:

(A) the age, gender, and nationality of the victims;

(B) the types of services provided to the victims, if any; and

(C) the agencies that provided services to victims;

(2) outlining how existing laws and rules concerning victims and witnesses address or fail to address the needs of victims of human trafficking; and

(3) recommending areas of improvement and modifications in existing laws and rules.

(b) Not later than September 1, 2008, the Border Security Council, in consultation with any relevant agency, shall prepare, issue, and distribute to the governor and each member of the legislature a report:

(1) outlining how existing social service programs address or fail to address the needs of victims of human trafficking;

(2) with respect to those needs, outlining the interplay of existing social service programs with federally funded victim service programs; and

(3) recommending areas of improvement and modifications in existing social service programs.

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SECTION 19. Same as House version.

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No equivalent provision.

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SECTION __. Section 11, Chapter 197, Acts of the 58th Legislature, Regular Session, 1963, is amended to read as follows:

Sec. 11. Each commissioner shall receive for performing duties as a commissioner [~~his services~~] the sum of \$200 [~~Fifty dollars (\$50)~~] per month, except the president who shall receive \$250 [~~Seventy five Dollars (\$75)~~] per month, plus actual traveling expenses. The board of commissioners shall fix the compensation of the secretary, general manager, attorneys, engineers, and all other employees, and said board shall fix and determine the term and time of employment of all officers and employees of the district; provided that all officers and employees of the district, except the commissioners themselves, shall hold their offices subject to the will of the Board of Port Commissioners.

CONFERENCE

No equivalent provision.

SECTION __. Article 59.06(h), Code of Criminal Procedure, is amended to read as follows:

(h) As a specific exception to the requirement of Subdivisions (1)-(3) of Subsection (c) of this article that the funds described by those subdivisions be used only for the official purposes of the attorney representing the state or for law enforcement purposes, on agreement between the attorney representing the state or the head of a law enforcement agency and the governing body of a political subdivision, the attorney representing the state or the head of the law enforcement agency may [~~shall~~] comply with the request of the governing body to deposit

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not more than a total of 10 percent of the gross amount credited to the attorney's or agency's fund into the treasury of the political subdivision. The governing body of the political subdivision shall, by ordinance, order, or resolution, use funds received under this subsection for:

- (1) nonprofit programs for the prevention of drug abuse;
- (2) nonprofit chemical dependency treatment facilities licensed under Chapter 464, Health and Safety Code;
- (3) nonprofit drug and alcohol rehabilitation or prevention programs administered or staffed by professionals designated as qualified and credentialed by the Texas Commission on Alcohol and Drug Abuse; or
- (4) financial assistance as described by Subsection (o)

No equivalent provision.

SECTION __. Article 59.06, Code of Criminal Procedure, is amended by adding Subsections (r), (s), and (t) to read as follows:

(r) As a specific exception to the requirement of Subdivisions (1)-(3) of Subsection (c) that the funds described by those subdivisions be used only for the official purposes of the attorney representing the state or for law enforcement purposes, in any county that implements or operates a drug court program under Charter 469, Health and Safety Code, the attorney representing the state shall deposit 10 percent of the gross amount credited to the attorney's fund into the county treasury. The commissioners court shall use the funds received under this subsection to implement or operate the drug court program in the county.

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(s) The state auditor may conduct audits and investigations related to the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property under this article in accordance with this article and Chapter 321, Government Code.

(t) The state auditor is entitled to access any book, account, voucher, confidential or nonconfidential report, or other record of information, including electronic data, maintained by a county auditor under this article, except that:

(1) if the release of the applicable information is restricted under federal law, the state auditor may access the information only with the approval of the appropriate federal administrative agency; and

(2) the state auditor may access only for purposes of performing an audit any copyrighted or restricted information obtained by the comptroller under subscription agreements and used in the preparation of the comptroller's economic estimates.

SECTION 30. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

SECTION 20. Same as House version.