

House Bill 76
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(b) The bureau of identification and records shall:

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

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

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

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

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal

SENATE VERSION

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CONFERENCE

House Bill 76
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense; and

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

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

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

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

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

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007, Family Code;

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

(G) the date the order expires.

(g) The department may adopt reasonable rules under

SENATE VERSION

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CONFERENCE

House Bill 76
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

this section relating to:

- (1) law enforcement information systems maintained by the department;
- (2) the collection, maintenance, and correction of records;
- (3) reports of criminal history information submitted to the department; ~~[and]~~
- (4) active protective orders issued under Title 4 [Chapter 74], Family Code, and reporting procedures that ensure that information relating to the issuance of an active protective order and to the dismissal of an active protective order is reported to the local law enforcement agency at the time of the order's issuance or dismissal and entered by the local law enforcement agency in the state's law enforcement information system; and
- (5) the collection of information described by Subsection (h).
- (h) Information collected to perform a statistical breakdown of offenses under Sections 21.12, 21.15, 22.011, and 22.021, Penal Code, as required by Subsection (b)(2) must include information indicating the specific offense committed and information regarding:
 - (1) the victim;
 - (2) the offender and the offender's relationship to the victim;
 - (3) any weapons used or exhibited in the commission of the offense; and
 - (4) any injuries sustained by the victim.
- (i) A law enforcement agency shall report offenses

SENATE VERSION

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- (5) the collection of information described by Subsection (h).
- (h) Information collected to perform a statistical breakdown of offenses under Sections 22.011 and 22.021, Penal Code, as required by Subsection (b)(2) must include information indicating the specific offense committed and information regarding:
 - (1) the victim;
 - (2) the offender and the offender's relationship to the victim;
 - (3) any weapons used or exhibited in the commission of the offense; and
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CONFERENCE

House Bill 76
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

under Section 21.12, 21.15, 22.011, or 22.021, Penal Code, to the department in the form and manner and at regular intervals as prescribed by rules adopted by the department. The report must include the information described by Subsection (h).

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

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

SENATE VERSION

under Section 22.011 or 22.021, Penal Code, to the department in the form and manner and at regular intervals as prescribed by rules adopted by the department. The report must include the information described by Subsection (h).

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CONFERENCE