

BILL ANALYSIS

Senate Research Center
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S.B. 418
By: Carona
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Law enforcement agencies across the state deal with thousands of different criminal street gangs and their members. In dealing with these dangerous groups, the value of gang-related intelligence data to law enforcement is two-fold. Such information may prove invaluable in law enforcement and may even save the life of a law enforcement officer.

Currently, under Section 61.02 of the Code of Criminal Procedure, a law enforcement agency in Texas has the option to compile gang data into a local or regional database. If a law enforcement agency compiles the data, it must provide the information to the Department of Public Safety (DPS) to be included in the statewide database. However, there is currently no requirement that local law enforcement agencies collect any data on gangs within their jurisdiction.

DPS operates and maintains a statewide database, the Texas Gang Database, which is housed in Austin. This database was established in 1999 and has the capability to receive, maintain, and share information provided by more than 1,000 law enforcement agencies in Texas.

As proposed, S.B. 418 requires a criminal justice agency to compile criminal information into an intelligence database for the purpose of investigating or prosecuting criminal combinations or criminal street gangs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 61.02, Code of Criminal Procedure, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Requires, rather than authorizes, subject to Subsection (b), a criminal justice agency to compile criminal information into an intelligence database for the purpose of investigating or prosecuting criminal street gangs. Deletes existing text authorizing the information to be compiled on paper, by computer, or in any other useful manner.

(b) Requires, rather than authorizes, a law enforcement agency to compile and maintain in a local or regional intelligence database criminal information relating to a criminal street gang as provided by Subsection (a). Requires that the information be compiled and maintained in accordance with the criminal intelligence systems operating policies established under 28 C.F.R. Section 23.1 et seq. and the submission criteria established under Subsection (c). Deletes existing text providing that the criminal information may be compiled and maintained in a local or regional database only if the law enforcement agency compiles and maintains it.

(b-1) Authorizes information described by this article to be compiled on paper, by computer, or in any other useful manner by a criminal justice agency or law enforcement agency.

SECTION 2. Amends Articles 61.03(a) and (c), Code of Criminal Procedure, as follows:

(a) Authorizes a criminal justice agency to release on request information maintained under this chapter, rather than authorizing a criminal justice agency that maintains criminal information under this chapter to release the information on request, to another criminal justice agency, a court, or a defendant in a criminal proceeding who is entitled to the discovery of the information under Chapter 39 (Depositions and Discovery).

(c) Requires a local law enforcement agency to send to the Texas Department of Public Safety (DPS) information compiled and maintained under this chapter. Deletes existing text requiring a local law enforcement agency, if an agency compiles and maintains information under this chapter relating to a criminal street gang, to send the information to DPS.

SECTION 3. Amends Articles 61.04(b) and (d), Code of Criminal Procedure, as follows:

(b) Authorizes a criminal justice agency to release information maintained under this chapter to an attorney representing a child who is a party to a proceeding under Title 3 (Juvenile Justice Code), Family Code, if the juvenile court determines the information is material to the proceeding and is not privileged under law. Makes conforming changes.

(d) Authorizes the governing body of a county or municipality to adopt a policy to notify the parent or guardian of a child of a local law enforcement agency's observations relating to the child's association with a criminal street gang. Makes conforming changes.

SECTION 4. Effective date: September 1, 2009.