

BILL ANALYSIS

S.B. 1061
By: Shapiro
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The accuracy and completeness of the disposition information reported by county entities to the Texas Department of Public Safety (DPS) for inclusion in the criminal history database has been insufficient for quite some time.

S.B. 1061 requires counties reporting an average disposition completeness percentage of less than 90 percent to form a local data advisory board to create a data reporting improvement plan and report that plan to DPS. The bill requires DPS to publish the required plan on its website.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

S.B. 1061 amends the Code of Criminal Procedure to set forth provisions regarding a data reporting improvement plan applicable to a county that has an average disposition completeness percentage, including both juvenile and adult dispositions, of less than 90 percent, as reflected in the first report the Department of Public Safety (DPS) submits to certain state officers and agencies regarding the level of reporting by local jurisdictions. The bill requires the commissioners court of such a county to establish a local data advisory board, as described by state law, not later than November 1, 2009. The bill sets forth the persons authorized and required to be included in such a local data advisory board. The bill requires a local data advisory board to prepare a data reporting improvement plan, in addition to other duties prescribed by law, and requires the plan to describe the manner in which the county intends to improve the county's disposition completeness percentage; ensure that the county takes the steps necessary for the county's average disposition completeness percentage to be equal to or greater than 90 percent in the first report DPS submits to certain state officers and agencies regarding local jurisdiction reporting on or after January 1, 2013; and include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above 90 percent. The bill requires a local data advisory board established under the bill's provisions, not later than June 1, 2010, to submit to DPS the data reporting improvement plan prepared for the county. The bill requires DPS, on receipt of a data reporting improvement plan, to post the plan on the DPS Internet website. The bill authorizes the public safety director of DPS to adopt rules concerning the contents and form of a data reporting improvement plan. The bill establishes that the above provisions expire September 1, 2013.

S.B. 1061 includes the lieutenant governor and the standing committees in the senate and house of representatives that have primary jurisdiction over criminal justice and DPS among the state officers and agencies to whom DPS is required to annually submit a report regarding the level of reporting by local jurisdictions. The bill requires the report to contain a disposition completeness percentage for each county in Texas and defines "disposition completeness percentage" to mean the percentage of arrest charges a county reports to DPS to be entered in the

computerized criminal history record system that were brought against a person in the county for which a disposition has been subsequently reported and entered into the computerized criminal history record system.

EFFECTIVE DATE

September 1, 2009.