

By: Veasey, Thompson, Anchia, Vaught, et al.

H.B. No. 616

Substitute the following for H.B. No. 616:

By: Gallego

C.S.H.B. No. 616

A BILL TO BE ENTITLED

AN ACT

relating to a study regarding the effectiveness of the James Byrd Jr. Hate Crimes Act.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.212 to read as follows:

Art. 2.212. STUDY OF EFFECTIVENESS OF JAMES BYRD JR. HATE CRIMES ACT. (a) The attorney general shall conduct a study to examine the success of Chapter 85 (H.B. 587), Acts of the 77th Legislature, Regular Session, 2001, and subsequent amendments to that chapter.

(b) To accumulate data for purposes of Subsection (a), the attorney general shall:

(1) examine the characteristics of crimes reported as crimes of bias or prejudice and categorize each crime by:

(A) type;

(B) severity;

(C) year of commission;

(D) any protected class status of the victim;

(E) any protected class status of the alleged perpetrator; and

(F) any other factor that would assist in improving the effectiveness of the hate crimes law;

(2) for each crime identified under Subdivision (1),

1 examine:

2 (A) whether an affirmative finding under the hate  
3 crimes law was requested and obtained;

4 (B) whether a protective order was requested and  
5 obtained;

6 (C) whether other charges related to the incident  
7 were filed;

8 (D) whether any charging instrument for the crime  
9 included an enhancement of punishment under Section 12.47, Penal  
10 Code, based on an affirmative finding under the hate crimes law;

11 (E) whether other convictions were obtained; and

12 (F) if no affirmative finding under the hate  
13 crimes law was requested:

14 (i) whether the alleged perpetrator was  
15 ever identified;

16 (ii) whether there was any basis found for  
17 the affirmative finding or other charge; and

18 (iii) whether a victim declined to  
19 participate in the investigation;

20 (3) interview the attorneys representing the state in  
21 the prosecution of a representative sample of crimes identified  
22 under Subdivision (1) to determine whether plea negotiations were  
23 influenced by the possibility of an enhancement of punishment under  
24 Section 12.47, Penal Code, based on an affirmative finding under  
25 the hate crimes law;

26 (4) interview a representative sample of victims of  
27 crimes recorded as crimes of bias or prejudice and examine their

1 experiences with the hate crimes prosecution process to determine  
2 problems, burdens, or disincentives to the prosecution of hate  
3 crimes;

4 (5) for Section 22.111, Government Code, examine:

5 (A) the amount of money appropriated for  
6 prosecutorial training;

7 (B) how many training sessions were provided;

8 (C) how many training sessions were requested;

9 and

10 (D) the number of attendees of any training  
11 sessions provided;

12 (6) for Article 104.004 of this code, examine:

13 (A) the amount of money appropriated;

14 (B) the number of requests made for money and the  
15 amounts requested; and

16 (C) the total amount of money distributed;

17 (7) for Section 29.905, Education Code, examine:

18 (A) the amount of money appropriated for  
19 community and public curricula;

20 (B) the results of any curriculum feedback model;

21 (C) the number of requests for a curriculum;

22 (D) when a curriculum was developed; and

23 (E) the amount of any actual instruction under a  
24 curriculum; and

25 (c) Not later than January 1, 2011, the attorney general  
26 shall deliver a report to each house of the legislature on the data  
27 collected under Subsection (b).

1        (d) This article expires February 1, 2011.

2        SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.