

By: Veasey

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) conduct the study so that it identifies successful strategies for prosecuting crimes of bias or prejudice and any barriers or obstacles to use of the hate crimes law;

(2) 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

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

3 (3) for each crime identified under Subdivision (2),
4 examine:

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

7 (B) whether a protective order was requested and
8 obtained;

9 (C) whether other charges related to the incident
10 were filed;

11 (D) whether other convictions were obtained; and

12 (E) if no affirmative finding was requested:

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

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

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

19 (4) survey county attorneys, district attorneys, and
20 criminal district attorneys in whose jurisdictions complaints of
21 crimes of bias or prejudice have been made and determine:

22 (A) the characteristics of crimes leading to
23 requests for affirmative findings under the hate crimes law;

24 (B) whether there are barriers or disincentives
25 discouraging requests for affirmative findings; and

26 (C) whether the availability of additional
27 resources would lead to a greater number of requests for

1 affirmative findings;

2 (5) interview a representative sample of victims of
3 crimes recorded as crimes of bias or prejudice and examine their
4 experiences with the hate crimes prosecution process to determine
5 problems, burdens, or disincentives to the prosecution of hate
6 crimes;

7 (6) for Section 22.111, Government Code, examine:

8 (A) the amount of money appropriated for
9 prosecutorial training;

10 (B) how many training sessions were provided;

11 (C) how many training sessions were requested;

12 and

13 (D) the number of attendees of any training
14 sessions provided;

15 (7) for Article 104.004 of this code, examine:

16 (A) the amount of money appropriated;

17 (B) the number of requests made for money and the
18 amounts requested; and

19 (C) the total amount of money distributed;

20 (8) for Section 29.905, Education Code, examine:

21 (A) the amount of money appropriated for
22 community and public curricula;

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

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

25 (D) when a curriculum was developed; and

26 (E) the amount of any actual instruction under a
27 curriculum; and

1 (9) compare data regarding crimes of bias or prejudice
2 under state law, federal law, and the law of other states,
3 including:

- 4 (A) reporting requirements;
5 (B) the number of complaints made;
6 (C) the number of prosecutions;
7 (D) money available for prosecutions;
8 (E) money available for education; and
9 (F) other models for prosecution of, or education
10 about, crimes of bias or prejudice.

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

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

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