

BILL ANALYSIS

Senate Research Center

S.B. 315

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Transportation & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 81st Legislature passed legislation that mandated the collection of data by local law enforcement agencies and sharing of the data with the already existing Texas Gang Database for the purpose of investigating and prosecuting criminal street gangs in cities with a population of 50,000 or more or counties with a population of 100,000 or more. However, there has been some confusion regarding the definition of law enforcement agency; specifically, whether that definition includes juvenile justice agency, as the legislation mandates law enforcement agencies to directly release such information to the Department of Public Safety. Also, in order to reduce transnational gang violence, it would be helpful to include certain federal representatives in the meetings and activities of the Texas Violent Gang Task Force.

S.B. 315 amends current law relating to the agencies and entities responsible for compiling and maintaining information pertaining to criminal combinations and 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 61.01, Code of Criminal Procedure, by amending Subdivision (9) and adding Subdivision (10), to redefine "law enforcement agency" and define "juvenile justice agency."

SECTION 2. Amends Articles 61.02(a) and (b-1), Code of Criminal Procedure, as follows:

(a) Requires a criminal justice agency or a juvenile justice agency, subject to Subsection (b) (relating to a law enforcement agency in a municipality with a population of 50,000 or more or in a county with a population of 100,000 or more compiling and maintaining a local or regional criminal database), to compile criminal information into an intelligence database for the purpose of investigating or prosecuting the criminal activities of criminal combinations or criminal street gangs.

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

SECTION 3. Amends Article 61.04(b), Code of Criminal Procedure, to authorize a criminal justice agency or a juvenile 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.

SECTION 4. Amends Article 61.10, Code of Criminal Procedure, by amending Subsections (b), (c), and (f) and adding Subsection (g), as follows:

(b) Provides that the purpose of the Texas Violent Gang Task Force (task force) is to form a strategic partnership among local, state, and federal criminal justice, juvenile justice, and correctional agencies, rather than between state, federal, and local law enforcement agencies, to better enable those agencies to take a proactive stance towards tracking gang activity and the growth and spread of gangs statewide. Makes conforming changes.

(c) Requires the task force to focus its efforts on:

- (1) developing, through regional task force meetings, a statewide networking system that will provide timely access to gang information;
- (2) establishing communication between different criminal justice, juvenile justice, and correctional agencies, combining independent agency resources, and joining agencies together in a cooperative effort to focus on gang membership, gang activity, and gang migration trends; and
- (3) forming a working group of criminal justice, juvenile justice, and correctional representatives from throughout the state to discuss specific cases and investigations involving gangs and other related gang activities.

Makes conforming changes.

(f) Sets forth the required composition of the task force, including a representative of the Department of Public Safety designated by the director of that agency; two representatives, rather than one representative, of the Texas Department of Criminal Justice, including a representative of the parole division, designated by the executive director of that agency; a representative of the office of the inspector general of the Texas Department of Criminal Justice designated by the inspector general; a representative of the Texas Youth Commission designated by the executive director of that agency; a representative of the Texas Juvenile Probation Commission designated by the executive director of that agency; a representative of the office of the attorney general designated by the attorney general; six representatives who are local law enforcement officers or local community supervision personnel, including juvenile probation personnel, designated by the governor; and two representatives who are local prosecutors designated by the governor.

Deletes existing text requiring a representative of the Criminal Justice Policy Council designated by the executive director of that agency and three local law enforcement or adult or juvenile community supervision personnel and a prosecutor designated by the governor to be members of the task force. Makes conforming and nonsubstantive changes.

(g) Requires the task force, if practicable, to consult with representatives from one or more United States Attorneys' Offices in this state and with representatives from the following federal agencies who are available and assigned to a duty station in this state:

- (1) the Federal Bureau of Investigation;
- (2) the Federal Bureau of Prisons;
- (3) the United States Drug Enforcement Administration;
- (4) United States Immigration and Customs Enforcement;
- (5) United States Customs and Border Protection;
- (6) the Bureau of Alcohol, Tobacco, Firearms and Explosives;
- (7) the United States Marshals Service; and

(8) the United States Probation and Pretrial Services System.

SECTION 5. Effective date: upon passage or September 1, 2011.