

BILL ANALYSIS

S.B. 315
By: Carona
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent legislation mandated the collection of data by local law enforcement agencies and sharing of the data with the Texas Gang Database. Interested parties state the data is to be used for the purpose of investigating and prosecuting criminal street gangs in certain cities and certain counties.

As proposed, 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

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SB 315 amends Article 61.01, Code of Criminal Procedure, to redefine "law enforcement agency" and define "juvenile justice agency." It amends Articles 61.02(a) and (b-1), Code of Criminal Procedure, to include certain juvenile justice agencies among those agencies required 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 and authorizes the required information to be compiled on paper, by computer, or in any other useful manner. SB 315 amends Article 61.04(b), Code of Criminal Procedure, to include a juvenile justice agency among those authorized to release information maintained under this chapter to an attorney representing a child who is a party to a proceeding under Title 3, Family Code, under certain conditions.

SB 315 amends Article 61.10, Code of Criminal Procedure, by amending Subsections (b) and (c) to provide that the purpose of the Texas Violent Gang Task Force is to form a strategic partnership among local, state, and federal criminal justice, juvenile justice, and correctional agencies to better enable those agencies to take a proactive stance towards tracking gang activity and the growth and spread of gangs statewide. It requires the task force to focus its efforts on developing, through regional task force meetings, a statewide networking system that will provide timely access to gang information; 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 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. It amends Subsection (f) by changing the composition of the task force to include two representatives, rather than one, 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; 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. It deletes the requirement for a representative of the Criminal Justice Policy Council and three local law enforcement or adult or juvenile community supervision personnel and a prosecuting attorney to be members of the task force. It maintains the requirement for a representative of each of the following to be members of the task

force: the Department of Public Safety, the Texas Youth Commission, the Texas Juvenile Probation Commission and a representative of the office of the attorney general.

SB 315 adds Subsection (g) to require 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: the Federal Bureau of Investigation; the Federal Bureau of Prisons; the United States Drug Enforcement Administration; United States Immigration and Customs Enforcement; United States Customs and Border Protection; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the United States Marshals Service; and the United States Probation and Pretrial Services System.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.