

By: Carona

S.B. No. 315

A BILL TO BE ENTITLED

AN ACT

relating to the agencies and entities responsible for compiling and maintaining information pertaining to criminal combinations and criminal street gangs.

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

SECTION 1. Article 61.01, Code of Criminal Procedure, is amended by amending Subdivision (9) and adding Subdivision (10) to read as follows:

(9) "Law enforcement agency" does not include the Texas Department of Criminal Justice, the Texas Juvenile Probation Commission, a local juvenile probation department, or the Texas Youth Commission.

(10) "Juvenile justice agency" has the meaning assigned by Section 58.101, Family Code.

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

(a) Subject to Subsection (b), a criminal justice agency or a juvenile justice agency shall 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) Information described by this article may 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. Article 61.04(b), Code of Criminal Procedure, is amended to read as follows:

(b) A criminal justice agency or a juvenile justice agency may release information maintained under this chapter to an attorney representing a child who is a party to a proceeding under Title 3, Family Code, if the juvenile court determines the information:

(1) is material to the proceeding; and

(2) is not privileged under law.

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

(b) The purpose of the task force is to form a strategic partnership among local, [between] state, and federal criminal justice, juvenile justice, and correctional [~~and local law enforcement~~] agencies to better enable those [~~law enforcement and correctional~~] agencies to take a proactive stance towards tracking gang activity and the growth and spread of gangs statewide.

(c) The task force shall 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 [~~law enforcement~~] 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

1 (3) forming a working group of criminal justice,
2 juvenile justice, [~~law enforcement~~] and correctional
3 representatives from throughout the state to discuss specific cases
4 and investigations involving gangs and other related gang
5 activities.

6 (f) The task force shall consist of:

7 (1) a representative of the Department of Public
8 Safety designated by the director of that agency;

9 (2) two representatives [~~a representative~~] of the
10 Texas Department of Criminal Justice, including a representative of
11 the parole division, designated by the executive director of that
12 agency;

13 (3) a representative of the office of the inspector
14 general of the Texas Department of Criminal Justice designated by
15 the inspector general;

16 (4) [~~(3)~~] a representative of the Texas Youth
17 Commission designated by the executive director of that agency;

18 (5) [~~(4)~~] a representative of the Texas Juvenile
19 Probation Commission designated by the executive director of that
20 agency;

21 [~~(5) a representative of the Criminal Justice Policy~~
22 ~~Council designated by the executive director of that agency,~~]

23 (6) a representative of the office of the attorney
24 general designated by the attorney general; [~~and~~]

25 (7) six representatives who are local law enforcement
26 officers or local community supervision personnel, including
27 juvenile probation personnel, designated by the governor; and

1 (8) two representatives who are local prosecutors
2 ~~[three local law enforcement or adult or juvenile community~~
3 ~~supervision personnel and a prosecuting attorney]~~ designated by the
4 governor.

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

10 (1) the Federal Bureau of Investigation;

11 (2) the Federal Bureau of Prisons;

12 (3) the United States Drug Enforcement
13 Administration;

14 (4) United States Immigration and Customs
15 Enforcement;

16 (5) United States Customs and Border Protection;

17 (6) the Bureau of Alcohol, Tobacco, Firearms and
18 Explosives;

19 (7) the United States Marshals Service; and

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

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.