

By: Huffman

S.B. No. 262

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of criminal disposition completeness percentage data.

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

SECTION 1. Article 60.10, Code of Criminal Procedure, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection (e-1) to read as follows:

(b) This article applies only to a county that has an average disposition completeness percentage, including individualized determinations for both juvenile and adult dispositions, of less than 90 percent, as reflected in the most recent ~~[first]~~ report submitted by the Department of Public Safety ~~[submits]~~ under Article 60.21(b)(2) ~~[on or after January 1, 2009]~~.

(c) The commissioners court of a county described by Subsection (b) shall establish a local data advisory board as described by Article 60.09 not later than the 120th day after the date this article becomes applicable to the county based on the report under Article 60.21(b)(2) ~~[not later than November 1, 2009]~~.

A local data advisory board established under this article may include any person described by Article 60.09(b) and must include:

(1) the sheriff of the county, or the sheriff's designee;

(2) an attorney who represents the state in the district courts of the county;

1 (3) an attorney who represents the state in the county
2 courts of the county;

3 (4) the clerk for the district courts of the county, or
4 the clerk's designee;

5 (5) the clerk for the county courts of the county, or
6 the clerk's designee;

7 (6) the police chief of the municipality with the
8 greatest population located in the county, or the chief's designee;

9 (7) a representative of the county's automated data
10 processing services, if the county performs those services; and

11 (8) a representative of an entity with whom the county
12 contracts for automated data processing services, if the county
13 contracts for those services.

14 (d) In addition to the duties described by Article 60.09(a),
15 a local data advisory board for a county that is subject to the
16 requirements of ~~[established under]~~ this article must prepare a
17 data reporting improvement plan. The data reporting improvement
18 plan must:

19 (1) describe the manner in which the county intends to
20 improve the county's disposition completeness percentage;

21 (2) ensure that the county takes the steps necessary
22 for the county's average disposition completeness percentage to be
23 equal to or greater than 90 percent not later than the first
24 anniversary of the date this article becomes applicable to that
25 county based on the ~~[in the first]~~ report ~~[the Department of Public~~
26 ~~Safety submits]~~ under Article 60.21(b)(2) ~~[on or after January 1,~~
27 ~~2013]~~; and

1 (3) include a comprehensive strategy by which the
2 county will permanently maintain the county's disposition
3 completeness percentage at or above 90 percent.

4 (e) Not later than June 1 of each year~~[, 2010]~~, a local data
5 advisory board for a county that is subject to the requirements of
6 ~~[established under]~~ this article shall submit to the Department of
7 Public Safety the data reporting improvement plan prepared for the
8 county. On receipt of a data reporting improvement plan under this
9 article, the department shall post the plan on the Internet website
10 maintained by the department.

11 (e-1) A county is released from its duties under this
12 article on the date the Department of Public Safety submits a report
13 under Article 60.21(b)(2) stating that the county has attained an
14 average disposition completeness percentage that is equal to or
15 greater than 90 percent. However, the county again becomes subject
16 to the requirements of this article if its average disposition
17 completeness percentage declines to a level that is less than 90
18 percent as reflected in the department's report.

19 SECTION 2. Subsection (b), Article 60.21, Code of Criminal
20 Procedure, is amended to read as follows:

21 (b) The Department of Public Safety shall:

22 (1) monitor the submission of arrest and disposition
23 information by local jurisdictions;

24 (2) annually submit to the Legislative Budget Board,
25 the governor, the lieutenant governor, the speaker of the house of
26 representatives, the state auditor, and the standing committees in
27 the senate and house of representatives that have primary

1 jurisdiction over criminal justice and the Department of Public
2 Safety a report regarding the level of reporting by local
3 jurisdictions;

4 (3) identify local jurisdictions that do not report
5 arrest or disposition information or that partially report
6 information; and

7 (4) for use in determining the status of outstanding
8 dispositions, publish monthly on the Department of Public Safety's
9 Internet website or on another electronic publication a report
10 listing each arrest by local jurisdiction for which there is no
11 corresponding final court disposition.

12 SECTION 3. Subsection (g), Article 60.10, Code of Criminal
13 Procedure, is repealed.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.