

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

1 district courts of the county;

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

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

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

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

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

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

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

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

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

1 2013]; and

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

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

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

20 SECTION 2. Article 60.14, Code of Criminal Procedure, is
21 amended to read as follows:

22 Art. 60.14. AWARD [~~ALLOCATION~~] OF GRANT PROGRAM MONEY FOR
23 CRIMINAL JUSTICE PROGRAMS. (a) An agency of the state, before
24 making a grant award [~~allocating money~~] to a county from any federal
25 or state criminal justice grant program [~~for the enhancement of~~
26 ~~criminal justice programs~~], shall require that county to certify,
27 before the distribution of any money from the program, that the

1 county's average disposition completeness percentage, including
2 individualized determinations for both juvenile and adult
3 dispositions, is equal to or greater than 90 percent as determined
4 by the Department of Public Safety.

5 (b) In this article, "disposition completeness percentage"
6 has the meaning assigned by Article 60.21(c) [~~county has taken or~~
7 ~~will take, using all or part of the allocated funds, all action~~
8 ~~necessary to provide the Texas Department of Criminal Justice and~~
9 ~~the Department of Public Safety any criminal history records~~
10 ~~maintained by the county in the manner specified for purposes of~~
11 ~~those departments].~~

12 SECTION 3. Article 60.21(b), Code of Criminal Procedure, is
13 amended to read as follows:

14 (b) The Department of Public Safety shall:

15 (1) monitor the submission of arrest and disposition
16 information by local jurisdictions;

17 (2) annually submit to the Legislative Budget Board,
18 the governor, the lieutenant governor, the speaker of the house of
19 representatives, the state auditor, and the standing committees in
20 the senate and house of representatives that have primary
21 jurisdiction over criminal justice and the Department of Public
22 Safety a report regarding the level of reporting by local
23 jurisdictions;

24 (3) identify local jurisdictions that do not report
25 arrest or disposition information or that partially report
26 information; and

27 (4) for use in determining the status of outstanding

1 dispositions, publish monthly on the Department of Public Safety's
2 Internet website or on another electronic publication a report
3 listing each arrest by local jurisdiction for which there is no
4 corresponding final court disposition.

5 SECTION 4. Article 60.10(g), Code of Criminal Procedure, is
6 repealed.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2013.