

1-1 By: Huffman S.B. No. 262  
 1-2 (In the Senate - Filed January 25, 2013; January 29, 2013,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 March 20, 2013, reported favorably by the following vote: Yeas 4,  
 1-5 Nays 1; March 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Carona			X	
1-10 Hinojosa	X			
1-11 Patrick			X	
1-12 Rodriguez		X		
1-13 Schwertner	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the reporting of criminal disposition completeness  
 1-18 percentage data.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 60.10, Code of Criminal Procedure, is  
 1-21 amended by amending Subsections (b), (c), (d), and (e) and adding  
 1-22 Subsection (e-1) to read as follows:

1-23 (b) This article applies only to a county that has an  
 1-24 average disposition completeness percentage, including  
 1-25 individualized determinations for both juvenile and adult  
 1-26 dispositions, of less than 90 percent, as reflected in the most  
 1-27 recent [first] report submitted by the Department of Public Safety  
 1-28 [submits] under Article 60.21(b)(2) [on or after January 1, 2009].

1-29 (c) The commissioners court of a county described by  
 1-30 Subsection (b) shall establish a local data advisory board as  
 1-31 described by Article 60.09 not later than the 120th day after the  
 1-32 date this article becomes applicable to the county based on the  
 1-33 report under Article 60.21(b)(2) [not later than November 1,  
 1-34 2009]. A local data advisory board established under this article  
 1-35 may include any person described by Article 60.09(b) and must  
 1-36 include:

1-37 (1) the sheriff of the county, or the sheriff's  
 1-38 designee;

1-39 (2) an attorney who represents the state in the  
 1-40 district courts of the county;

1-41 (3) an attorney who represents the state in the county  
 1-42 courts of the county;

1-43 (4) the clerk for the district courts of the county, or  
 1-44 the clerk's designee;

1-45 (5) the clerk for the county courts of the county, or  
 1-46 the clerk's designee;

1-47 (6) the police chief of the municipality with the  
 1-48 greatest population located in the county, or the chief's designee;

1-49 (7) a representative of the county's automated data  
 1-50 processing services, if the county performs those services; and

1-51 (8) a representative of an entity with whom the county  
 1-52 contracts for automated data processing services, if the county  
 1-53 contracts for those services.

1-54 (d) In addition to the duties described by Article 60.09(a),  
 1-55 a local data advisory board for a county that is subject to the  
 1-56 requirements of [established under] this article must prepare a  
 1-57 data reporting improvement plan. The data reporting improvement  
 1-58 plan must:

1-59 (1) describe the manner in which the county intends to  
 1-60 improve the county's disposition completeness percentage;

1-61 (2) ensure that the county takes the steps necessary

2-1 for the county's average disposition completeness percentage to be  
 2-2 equal to or greater than 90 percent not later than the first  
 2-3 anniversary of the date this article becomes applicable to that  
 2-4 county based on the [in the first] report [the Department of Public  
 2-5 Safety submits] under Article 60.21(b)(2) [on or after January 1,  
 2-6 2013]; and

2-7 (3) include a comprehensive strategy by which the  
 2-8 county will permanently maintain the county's disposition  
 2-9 completeness percentage at or above 90 percent.

2-10 (e) Not later than June 1 of each year [7, 2010], a local data  
 2-11 advisory board for a county that is subject to the requirements of  
 2-12 [established under] this article shall submit to the Department of  
 2-13 Public Safety the data reporting improvement plan prepared for the  
 2-14 county. On receipt of a data reporting improvement plan under this  
 2-15 article, the department shall post the plan on the Internet website  
 2-16 maintained by the department.

2-17 (e-1) A county is released from its duties under this  
 2-18 article on the date the Department of Public Safety submits a report  
 2-19 under Article 60.21(b)(2) stating that the county has attained an  
 2-20 average disposition completeness percentage that is equal to or  
 2-21 greater than 90 percent. However, the county again becomes subject  
 2-22 to the requirements of this article if its average disposition  
 2-23 completeness percentage declines to a level that is less than 90  
 2-24 percent as reflected in the department's report.

2-25 SECTION 2. Article 60.14, Code of Criminal Procedure, is  
 2-26 amended to read as follows:

2-27 Art. 60.14. AWARD [ALLOCATION] OF GRANT PROGRAM MONEY FOR  
 2-28 CRIMINAL JUSTICE PROGRAMS. (a) An agency of the state, before  
 2-29 making a grant award [allocating money] to a county from any federal  
 2-30 or state criminal justice grant program [for the enhancement of  
 2-31 criminal justice programs], shall require that county to certify,  
 2-32 before the distribution of any money from the program, that the  
 2-33 county's average disposition completeness percentage, including  
 2-34 individualized determinations for both juvenile and adult  
 2-35 dispositions, is equal to or greater than 90 percent as determined  
 2-36 by the Department of Public Safety.

2-37 (b) In this article, "disposition completeness percentage"  
 2-38 has the meaning assigned by Article 60.21(c) [county has taken or  
 2-39 will take, using all or part of the allocated funds, all action  
 2-40 necessary to provide the Texas Department of Criminal Justice and  
 2-41 the Department of Public Safety any criminal history records  
 2-42 maintained by the county in the manner specified for purposes of  
 2-43 those departments].

2-44 SECTION 3. Subsection (b), Article 60.21, Code of Criminal  
 2-45 Procedure, is amended to read as follows:

2-46 (b) The Department of Public Safety shall:

2-47 (1) monitor the submission of arrest and disposition  
 2-48 information by local jurisdictions;

2-49 (2) annually submit to the Legislative Budget Board,  
 2-50 the governor, the lieutenant governor, the speaker of the house of  
 2-51 representatives, the state auditor, and the standing committees in  
 2-52 the senate and house of representatives that have primary  
 2-53 jurisdiction over criminal justice and the Department of Public  
 2-54 Safety a report regarding the level of reporting by local  
 2-55 jurisdictions;

2-56 (3) identify local jurisdictions that do not report  
 2-57 arrest or disposition information or that partially report  
 2-58 information; and

2-59 (4) for use in determining the status of outstanding  
 2-60 dispositions, publish monthly on the Department of Public Safety's  
 2-61 Internet website or on another electronic publication a report  
 2-62 listing each arrest by local jurisdiction for which there is no  
 2-63 corresponding final court disposition.

2-64 SECTION 4. Subsection (g), Article 60.10, Code of Criminal  
 2-65 Procedure, is repealed.

2-66 SECTION 5. This Act takes effect immediately if it receives  
 2-67 a vote of two-thirds of all the members elected to each house, as  
 2-68 provided by Section 39, Article III, Texas Constitution. If this  
 2-69 Act does not receive the vote necessary for immediate effect, this

3-1 Act takes effect September 1, 2013.

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