

By: Farrar

H.B. No. 1525

Substitute the following for H.B. No. 1525:

By: Phillips

C.S.H.B. No. 1525

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the collection and reporting of information relating to
3 certain offenses involving family violence.

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

5 SECTION 1. Sections 411.042(b), (h), and (i), Government
6 Code, are amended to read as follows:

7 (b) The bureau of identification and records shall:

8 (1) procure and file for record photographs, pictures,
9 descriptions, fingerprints, measurements, and other pertinent
10 information of all persons arrested for or charged with a criminal
11 offense or convicted of a criminal offense, regardless of whether
12 the conviction is probated;

13 (2) collect information concerning the number and
14 nature of offenses reported or known to have been committed in the
15 state and the legal steps taken in connection with the offenses, and
16 other information useful in the study of crime and the
17 administration of justice, including information that enables the
18 bureau to create a statistical breakdown of:

19 (A) offenses in which family violence was
20 involved, including offenses:

21 (i) for which an affirmative finding of
22 family violence was made under Article 42.013, Code of Criminal
23 Procedure;

24 (ii) under Section 25.07 or 25.072, Penal

1 Code, if the offense is based on a violation of an order or a
2 condition of bond in a case involving family violence; and

3 (iii) under Section 25.11, Penal Code;

4 (B) offenses under Sections 22.011 and 22.021,
5 Penal Code; and

6 (C) offenses under Sections 20A.02 and 43.05,
7 Penal Code;

8 (3) make ballistic tests of bullets and firearms and
9 chemical analyses of bloodstains, cloth, materials, and other
10 substances for law enforcement officers of the state;

11 (4) cooperate with identification and crime records
12 bureaus in other states and the United States Department of
13 Justice;

14 (5) maintain a list of all previous background checks
15 for applicants for any position regulated under Chapter 1702,
16 Occupations Code, who have undergone a criminal history background
17 check under Section 411.119, if the check indicates a Class B
18 misdemeanor or equivalent offense or a greater offense;

19 (6) collect information concerning the number and
20 nature of protective orders and all other pertinent information
21 about all persons on active protective orders, including pertinent
22 information about persons subject to conditions of bond imposed for
23 the protection of the victim in any family violence, sexual assault
24 or abuse, or stalking case. Information in the law enforcement
25 information system relating to an active protective order shall
26 include:

27 (A) the name, sex, race, date of birth, personal

1 descriptors, address, and county of residence of the person to whom
2 the order is directed;

3 (B) any known identifying number of the person to
4 whom the order is directed, including the person's social security
5 number or driver's license number;

6 (C) the name and county of residence of the
7 person protected by the order;

8 (D) the residence address and place of employment
9 or business of the person protected by the order, unless that
10 information is excluded from the order under Section 85.007, Family
11 Code;

12 (E) the child-care facility or school where a
13 child protected by the order normally resides or which the child
14 normally attends, unless that information is excluded from the
15 order under Section 85.007, Family Code;

16 (F) the relationship or former relationship
17 between the person who is protected by the order and the person to
18 whom the order is directed;

19 (G) the conditions of bond imposed on the person
20 to whom the order is directed, if any, for the protection of a
21 victim in any family violence, sexual assault or abuse, or stalking
22 case; and

23 (H) the date the order expires;

24 (7) grant access to criminal history record
25 information in the manner authorized under Subchapter F;

26 (8) collect and disseminate information regarding
27 offenders with mental impairments in compliance with Chapter 614,

1 Health and Safety Code; and

2 (9) record data and maintain a state database for a
3 computerized criminal history record system and computerized
4 juvenile justice information system that serves:

5 (A) as the record creation point for criminal
6 history record information and juvenile justice information
7 maintained by the state; and

8 (B) as the control terminal for the entry of
9 records, in accordance with federal law and regulations, federal
10 executive orders, and federal policy, into the federal database
11 maintained by the Federal Bureau of Investigation.

12 (h) Information collected to perform a statistical
13 breakdown of offenses in which family violence was involved and
14 offenses under Sections 22.011 and 22.021, Penal Code, as required
15 by Subsection (b)(2) must include information indicating the
16 specific offense committed and information regarding:

17 (1) each [~~the~~] victim;

18 (2) the offender and the offender's relationship to
19 each [~~the~~] victim;

20 (3) any weapons used or exhibited in the commission of
21 the offense; [~~and~~]

22 (4) any injuries sustained by each [~~the~~] victim,
23 including whether the victim died as a result of the offense; and

24 (5) the law enforcement agency or other governmental
25 entity that reported the offense to the department.

26 (i) A law enforcement agency shall report offenses in which
27 family violence was involved and offenses under Section 22.011 or

1 [22.021](#), Penal Code, to the department in the form and manner and at
2 regular intervals as prescribed by rules adopted by the
3 department. The report must include the information described by
4 Subsection (h).

5 SECTION 2. Subchapter D, Chapter 411, Government Code, is
6 amended by adding Section 411.0491 to read as follows:

7 Sec. 411.0491. REPORT RELATED TO CERTAIN OFFENSES INVOLVING
8 FAMILY VIOLENCE. (a) In this section, "offense involving family
9 violence" means an offense:

10 (1) for which an affirmative finding of family
11 violence was made under Article [42.013](#), Code of Criminal Procedure;

12 (2) under Section [25.07](#), Penal Code (Violation of
13 Certain Court Orders or Conditions of Bond in a Family Violence,
14 Sexual Assault or Abuse, or Stalking Case), or Section [25.072](#),
15 Penal Code (Repeated Violation of Certain Court Orders or
16 Conditions of Bond in Family Violence Case), if the offense is based
17 on a violation of an order or a condition of bond in a case involving
18 family violence; or

19 (3) under Section [25.11](#), Penal Code (Continuous
20 Violence Against the Family).

21 (b) The department shall compile and maintain statistical
22 information on offenses involving family violence, including:

23 (1) the number of convictions, disaggregated by
24 offense; and

25 (2) the number of convictions of offenders who had
26 been previously convicted of an offense involving family violence.

27 (c) The department by rule shall identify the governmental

1 entities that possess information required by Subsection (b). A
2 governmental entity identified by the department under this
3 subsection shall report the information to the department in the
4 manner prescribed by the department.

5 (d) The department shall identify governmental entities
6 required to report under Subsection (c) that fail to timely report
7 or that report incomplete information to the department.

8 (e) Not later than February 15 of each year, the department
9 shall submit to the legislature and post on the department's
10 Internet website a report of the statistical information described
11 in Subsection (b) that was compiled for the preceding calendar
12 year. The report must include a list of the governmental entities
13 identified by the department under Subsection (d).

14 (f) The department may adopt rules as necessary to implement
15 this section. In adopting rules under this subsection, the
16 department may consult with a statewide family violence advocacy
17 organization and a statewide sexual assault advocacy organization.

18 SECTION 3. (a) The changes in law made by this Act to
19 Section 411.042, Government Code, apply beginning January 1, 2017.

20 (b) Notwithstanding Section 411.0491(e), Government Code,
21 as added by this Act, the Department of Public Safety is required to
22 submit the initial report required by that section not later than
23 February 15, 2017.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.