

By: Rodríguez

S.B. No. 1241

A BILL TO BE ENTITLED

AN ACT

relating to law enforcement's duty to report to the National Crime Information Center and Texas Crime Information Center certain information concerning a family violence, sexual assault or abuse, stalking, or trafficking case.

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

SECTION 1. Article 2.195, Code of Criminal Procedure, is amended to read as follows:

Art. 2.195. REPORT OF WARRANT OR CAPIAS INFORMATION. Not later than the 30th day after the date the court clerk issues the warrant or capias, each municipal police department and [the] sheriff:

(1) shall report to the National Crime Information Center ~~[national crime information center]~~ each warrant or capias issued for a defendant charged with a felony who fails to appear in court when summoned; ~~[and]~~

(2) may report to the National Crime Information Center ~~[national crime information center]~~ each warrant or capias issued for a defendant charged with a misdemeanor other than a Class C misdemeanor who fails to appear in court when summoned; and

(3) shall report to the National Crime Information Center and Texas Crime Information Center each warrant or capias issued for a defendant who commits an offense under Section 25.07 or 25.072, Penal Code.

SECTION 2. Article 5.02, Code of Criminal Procedure, is amended to read as follows:

Art. 5.02. DEFINITIONS. In this chapter:

(1) "Family [~~,"~~~~—"family~~] violence," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Sexual abuse" means any act as described by Section 21.02 or 21.11, Penal Code.

(3) "Sexual assault" means any act as described by Section 22.011 or 22.021, Penal Code.

(4) "Stalking" means any conduct that constitutes an offense under Section 42.072, Penal Code.

(5) "Trafficking" means any conduct that constitutes an offense under Section 20A.02, Penal Code.

SECTION 3. Article 5.05, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) In order to ensure that officers responding to calls are aware of the existence and terms of protective orders, each municipal police department and sheriff shall establish procedures within the department or office to provide adequate information or access to information for law enforcement officers of the names of persons protected by ~~[a]~~ protective orders ~~[order]~~ and of persons to whom protective orders are directed. The procedures must require reporting to the National Crime Information Center and Texas Crime Information Center:

(1) the names of persons protected by protective

1 orders;

2 (2) the names of persons to whom protective orders are  
3 directed; and

4 (3) the terms of protective orders.

5 (c-1) Each municipal police department and sheriff shall  
6 establish procedures within the department or office that require  
7 reporting to the National Crime Information Center and Texas Crime  
8 Information Center:

9 (1) the names of persons who have been released on bond  
10 and are awaiting trial in a family violence, sexual assault or  
11 abuse, stalking, or trafficking case; and

12 (2) the conditions of bond for persons described by  
13 Subdivision (1).

14 SECTION 4. Not later than December 1, 2017, each municipal  
15 police department and sheriff in this state shall:

16 (1) make any necessary revisions to the procedures  
17 required by Article 5.05(c), Code of Criminal Procedure, as amended  
18 by this Act; and

19 (2) establish the procedures required by Article  
20 5.05(c-1), Code of Criminal Procedure, as added by this Act.

21 SECTION 5. This Act takes effect September 1, 2017.