

BILL ANALYSIS

C.S.H.B. 3106
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that the man who assaulted and murdered Molly Jane Matheson in 2017 in Fort Worth was under investigation for other sexual assaults in numerous counties across Texas. It has been further noted that there currently is no way for detectives in one jurisdiction to know if someone is under investigation in another jurisdiction if that person has not yet been arrested for a crime, as was the case in this incident. C.S.H.B. 3106 seeks to enact Molly Jane's Law to ensure detectives across the state can easily share information and take full advantage of their training and experience to identify suspected sexual predators.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3106 amends the Government Code to require a law enforcement agency that identifies a person as a suspect in the investigation of a sexual assault or other sex offense, regardless of how the person is identified, to enter into the Texas Data Exchange or a successor comprehensive intelligence database information regarding the agency's investigation of that person. The bill sets out the information required to be entered and requires the applicable agency to remove the information on the earliest of the following dates:

- the date the agency no longer considers the person a suspect in the relevant investigation;
- the date the person is charged with the offense being investigated or a similar offense; or
- the fifth anniversary of the date the information was entered into the database.

C.S.H.B. 3106 authorizes the Department of Public Safety to remove any information entered into the exchange or database as necessary and excepts the information from required disclosure under state public information law in a certain manner. The bill applies only to a pending investigation of a sexual assault or other sex offense, regardless of when the investigation was commenced.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3106 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the information required to be entered into the database by:

- removing information about the concurrent physical offenses being investigated; and
- including a description of the manner in which the offense was committed, including the manner in which the suspect physically injured each victim, if applicable.