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H.B. No. 3106

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a requirement that law enforcement agencies enter into  
3 certain databases information related to investigations of sexual  
4 assault or other sex offenses.

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

6 SECTION 1. This Act shall be known as Molly Jane's Law.

7 SECTION 2. Subchapter B, Chapter 420, Government Code, is  
8 amended by adding Sections 420.035 and 420.036 to read as follows:

9 Sec. 420.035. DUTY TO ENTER INVESTIGATION INFORMATION INTO  
10 INTELLIGENCE DATABASE. (a) In this section, "database" means the  
11 Texas Data Exchange or a successor comprehensive intelligence  
12 database.

13 (b) A law enforcement agency that identifies a person as a  
14 suspect in the investigation of a sexual assault or other sex  
15 offense, regardless of how the person is identified, shall enter  
16 into the database information regarding the agency's investigation  
17 of that person. The information entered must include information:

18 (1) specifying:

19 (A) the suspect's name and date of birth;

20 (B) the sex offense being investigated; and

21 (C) the law enforcement agency investigating the  
22 offense; and

23 (2) describing the manner in which the offense was  
24 committed, including the manner in which the suspect physically

1 injured each victim, if applicable.

2 (c) A law enforcement agency described by Subsection (b)  
3 shall remove the information from the database on the earliest of  
4 the following dates:

5 (1) the date the agency no longer considers the person  
6 a suspect in the relevant investigation;

7 (2) the date the person is charged with the offense  
8 being investigated or a similar offense; or

9 (3) the fifth anniversary of the date the information  
10 was entered into the database.

11 (d) The department may, as necessary, remove from the  
12 database any information entered under this section.

13 (e) Information entered into the database under this  
14 section is excepted from required disclosure under Chapter 552 in  
15 the manner provided by Section 552.108.

16 Sec. 420.036. DUTY TO ENTER CERTAIN INFORMATION INTO  
17 VIOLENT CRIMINAL APPREHENSION PROGRAM DATABASE. (a) In this  
18 section, "database" means the national database of the Violent  
19 Criminal Apprehension Program established and maintained by the  
20 Federal Bureau of Investigation, or a successor database.

21 (b) Each law enforcement agency in this state shall request  
22 access from the Federal Bureau of Investigation to enter  
23 information into the database.

24 (c) A law enforcement agency that investigates a sexual  
25 assault or other sex offense shall enter into the database the  
26 following information regarding the investigation of the sexual  
27 assault or other sex offense, as available:

- 1           (1) the suspect's name and date of birth;  
2           (2) the specific offense being investigated;  
3           (3) a description of the manner in which the offense  
4 was committed, including any pattern of conduct occurring during  
5 the course of multiple offenses suspected to have been committed by  
6 the suspect; and  
7           (4) any other information required by the Federal  
8 Bureau of Investigation for inclusion in the database.

9           (d) Information entered into the database under this  
10 section is excepted from required disclosure under Chapter 552 in  
11 the manner provided by Section 552.108.

12           SECTION 3. Sections 420.035 and 420.036, Government Code,  
13 as added by this Act, apply only to a pending investigation of a  
14 sexual assault or other sex offense, regardless of whether the  
15 investigation was commenced before, on, or after the effective date  
16 of this Act.

17           SECTION 4. This Act takes effect September 1, 2019.