

SENATE AMENDMENTS

2nd Printing

By: Goldman, Krause, Tinderholt, Howard,
Neave, et al.

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.

ADOPTED

MAY 14 2019

Leta Spaul
Secretary of the Senate

By: *Joan Huffman*

H.B. No. 3106

Substitute the following for H.B. No. 3106:

By: SENATOR WHITMIRE

C.S. H.B. No. 3106

John Whitmire

A BILL TO BE ENTITLED

AN ACT

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3 a certain database 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 Section 420.035 to read as follows:

9 Sec. 420.035. DUTY TO ENTER CERTAIN INFORMATION INTO
10 VIOLENT CRIMINAL APPREHENSION PROGRAM DATABASE. (a) In this
11 section, "database" means the national database of the Violent
12 Criminal Apprehension Program established and maintained by the
13 Federal Bureau of Investigation, or a successor database.

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

17 (c) A law enforcement agency that investigates a sexual
18 assault or other sex offense shall enter into the database the
19 following information regarding the investigation of the sexual
20 assault or other sex offense, as available:

21 (1) the suspect's name and date of birth;

22 (2) the specific offense being investigated;

23 (3) a description of the manner in which the offense
24 was committed, including any pattern of conduct occurring during

1 the course of multiple offenses suspected to have been committed by
2 the suspect; and

3 (4) any other information required by the Federal
4 Bureau of Investigation for inclusion in the database.

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

8 SECTION 3. Section 420.035, Government Code, as added by
9 this Act, applies only to a pending investigation of a sexual
10 assault or other sex offense, regardless of whether the
11 investigation was commenced before, on, or after the effective date
12 of this Act.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB3106** by Goldman (Relating to a requirement that law enforcement agencies enter into a certain database information related to investigations of sexual assault or other sex offenses.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require law enforcement agencies to enter certain information relating to the investigation of sexual assaults or other sex offenses into a database for the Violent Criminal Apprehension Program administered by the Federal Bureau of Investigation (FBI). The bill would require each law enforcement agency in the state to request access from the FBI for this purpose.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of the Attorney General (OAG), the bill would require the office to enter information into the database. It is assumed that the provisions of the bill relating to OAG could be absorbed using existing resources.

Local Government Impact

According to the Texas Municipal League, the bill would have no significant fiscal impact to cities.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, SD, GP, JMO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 10, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3106 by Goldman (relating to a requirement that law enforcement agencies enter into a certain database information related to investigations of sexual assault or other sex offenses.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require law enforcement agencies to enter certain information relating to the investigation of sexual assaults or other sex offenses into a database for the Violent Criminal Apprehension Program administered by the Federal Bureau of Investigation (FBI). The bill would require each law enforcement agency in the state to request access from the FBI for this purpose.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of the Attorney General (OAG), the bill would require the office to enter information into the database. It is assumed that the provisions of the bill relating to OAG could be absorbed using existing resources.

Local Government Impact

According to the Texas Municipal League, the bill would have no significant fiscal impact to cities.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, SD, GP, JMO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 7, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3106 by Goldman (Relating to a requirement that law enforcement agencies enter into certain databases information related to investigations of sexual assault or other sex offenses.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend 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 to enter certain information into the Texas Data Exchange. The bill also specifies procedures for removal of information from the Texas Data Exchange and exempts information from certain disclosures. The bill also requires this information to be entered into a database for the Violent Criminal Apprehension Program administered by the Federal Bureau of Investigation.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of the Attorney General (OAG), the bill would require the office to enter additional information into the Texas Data Exchange for suspects under investigation of sexual assault or other sex offenses. It is assumed that the provisions of the bill relating to OAG could be absorbed using existing resources.

Local Government Impact

According to the Texas Municipal League, the bill would have no significant fiscal impact to cities.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, SD, GP, JMO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 11, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB3106** by Goldman (relating to a requirement that law enforcement agencies enter into the Texas Data Exchange information related to investigations of sexual assault or other sex offenses.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend 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 to enter certain information into the Texas Data Exchange. The bill also specifies procedures for removal of information from the Texas Data Exchange and exempts information from certain disclosures.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of the Attorney General (OAG), the bill would require the office to enter additional information into the Texas Data Exchange for suspects under investigation of sexual assault or other sex offenses. It is assumed that the provisions of the bill relating to OAG could be absorbed using existing resources.

Local Government Impact

According to the Texas Municipal League, the bill would have no significant fiscal impact to cities.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, SD, GP, JMO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 9, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB3106** by Goldman (Relating to a requirement that law enforcement agencies enter into the Texas Data Exchange information related to investigations of sexual assault or other sex offenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend 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 to enter certain information into the Texas Data Exchange. The bill also specifies procedures for removal of information from the Texas Data Exchange and exempts information from certain disclosures.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of the Attorney General (OAG), the bill would require the office to enter additional information into the Texas Data Exchange for suspects under investigation of sexual assault or other sex offenses. It is assumed that the provisions of the bill relating to OAG could be absorbed using existing resources.

Local Government Impact

According to the Texas Municipal League, the bill would have no significant fiscal impact to cities.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, SD, GP, JMO