

House Bill 3106
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

Sec. 420.035. DUTY TO ENTER INVESTIGATION INFORMATION INTO INTELLIGENCE DATABASE.

(a) In this section, "database" means the Texas Data Exchange or a successor comprehensive intelligence database.

(b) 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, shall enter into the database information regarding the agency's investigation of that person. The information entered must include information:

(1) specifying:

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

(B) the sex offense being investigated; and

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

(2) describing the manner in which the offense was committed, including the manner in which the suspect physically injured each victim, if applicable.

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

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

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

SENATE VERSION (CS)

SECTION 1. Same as House version.

SECTION 2. Subchapter B, Chapter 420, Government Code, is amended by adding Section 420.035 to read as follows:

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

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

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

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

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

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

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

(2) the specific offense being investigated;

(3) a description of the manner in which the offense was committed, including any pattern of conduct occurring during the course of multiple offenses suspected to have been committed by the suspect; and

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

SENATE VERSION (CS)

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

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

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

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

(2) the specific offense being investigated;

(3) a description of the manner in which the offense was committed, including any pattern of conduct occurring during the course of multiple offenses suspected to have been committed by the suspect; and

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

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

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

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

SENATE VERSION (CS)

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

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

SECTION 4. Same as House version.

CONFERENCE