87R8436 EAS-F

By:  Menéndez S.B. No. 2059

A BILL TO BE ENTITLED

AN ACT

relating to required reporting by a peace officer and collection of data and information relating to the criminal offense of interference with child custody.

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

SECTION 1.  Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.274 to read as follows:

Art. 2.274.  REPORT ON INTERFERENCE WITH CHILD CUSTODY. (a) A peace officer who responds to a call alleging the commission of an offense under Section 25.03, Penal Code, shall make a written report that includes:

(1)  the date, time, and location of the alleged offense;

(2)  the names of the alleged offender, the complainant, and each child who is the subject of the offense;

(3)  whether a court order disposing of the child's custody has been rendered;

(4)  if applicable, the name of each party and each child subject to the court order described by Subdivision (3); and

(5)  if applicable, whether the court order described by Subdivision (3) has been filed with local law enforcement.

(b)  A peace officer who makes a report under Subsection (a) shall provide information concerning the alleged offense to the bureau of identification and records of the Department of Public Safety under Section 411.042(b)(10), Government Code.

SECTION 2.  Section 411.042(b), Government Code, is amended to read as follows:

(b)  The bureau of identification and records shall:

(1)  procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2)  collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A)  offenses in which family violence was involved;

(B)  offenses under Sections 22.011 and 22.021, Penal Code; and

(C)  offenses under Sections 20A.02, 43.02(a), 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

(3)  make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4)  cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5)  maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check as required by that chapter, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6)  collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(A)  the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B)  any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C)  the name and county of residence of the person protected by the order;

(D)  the residence address and place of employment or business of the person protected by the order;

(E)  the child-care facility or school where a child protected by the order normally resides or which the child normally attends;

(F)  the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

(G)  the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case;

(H)  any minimum distance the person subject to the order is required to maintain from the protected places or persons; and

(I)  the date the order expires;

(7)  grant access to criminal history record information in the manner authorized under Subchapter F;

(8)  collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; [~~and~~]

(9)  record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A)  as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B)  as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation; and

(10)  collect information on offenses under Section 25.03, Penal Code, including pertinent information about the alleged offender, the complainant, and each child who is the subject of the offense and, if applicable, pertinent information about any court order that was violated in the commission of the offense.

SECTION 3.  Article 2.274, Code of Criminal Procedure, as added by this Act, applies only to a peace officer who responds to a call for assistance on or after the effective date of this Act.

SECTION 4.  This Act takes effect September 1, 2021.