

By: Eckhardt

S.B. No. 1042

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a data collection program established by the attorney
3 general regarding defendants in certain criminal cases and access
4 to information stored in criminal justice information databases.

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

6 SECTION 1. Article 66.201, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 66.201. ACCESS TO DATABASES BY CRIMINAL JUSTICE
9 AGENCIES AND OTHER ENTITIES. (a) Criminal justice agencies, the
10 Legislative Budget Board, the attorney general, and the council are
11 entitled to access the databases of the Department of Public
12 Safety, the Texas Juvenile Justice Department, and the Texas
13 Department of Criminal Justice in accordance with applicable state
14 or federal law or regulations.

15 (b) The access granted by this article does not entitle a
16 criminal justice agency, the Legislative Budget Board, the attorney
17 general, or the council to add, delete, or alter data maintained by
18 another agency.

19 SECTION 2. Article 66.203, Code of Criminal Procedure, is
20 amended to read as follows:

21 Art. 66.203. PUBLIC DISCLOSURE OF DATA PROHIBITED. A
22 criminal justice agency, the council, the attorney general, and the
23 Legislative Budget Board may not disclose to the public information
24 in an individual's criminal history record if the record is

1 protected by state or federal law or regulation.

2 SECTION 3. Subchapter B, Chapter 402, Government Code, is
3 amended by adding Section 402.040 to read as follows:

4 Sec. 402.040. DATA COLLECTION PROGRAM REGARDING CERTAIN
5 CRIMINAL DEFENDANTS. (a) The attorney general shall establish a
6 program to collect, record, compile, and analyze data regarding
7 defendants who:

8 (1) are alleged to have committed an offense
9 punishable as a Class B misdemeanor or higher; and

10 (2) were 18 years of age or older at the time of the
11 alleged offense.

12 (b) The attorney general shall compile data regarding a
13 defendant described by Subsection (a) from the time the defendant
14 enters the criminal justice system until final disposition of the
15 defendant's case. The data must include, with respect to each
16 defendant:

17 (1) the defendant's age at the time of the alleged
18 offense and the defendant's race, ethnicity, and gender;

19 (2) any warrants, arrests, charges, filing of criminal
20 complaints, or indictments;

21 (3) any dismissed or downgraded charges;

22 (4) whether the case proceeded to trial and the
23 disposition of the case;

24 (5) whether the defendant applied to participate in a
25 pretrial diversion program and whether the attorney representing
26 the state or the court consented to or denied a defendant's
27 participation in a program;

1 (6) if the defendant participated in a pretrial
2 diversion program, whether the defendant successfully completed
3 the program;

4 (7) if applicable, the race, ethnicity, and gender of
5 each victim of the alleged offense and the age of each victim at the
6 time of the alleged offense;

7 (8) any plea bargain agreement negotiations,
8 including:

9 (A) any plea bargain offer extended to a
10 defendant and whether the defendant accepted or rejected the offer;

11 (B) any plea bargain agreement entered or
12 rejected by the court; and

13 (C) whether any plea bargain agreement entered or
14 rejected by the court included community supervision or
15 confinement;

16 (9) court fees and fines assessed; and

17 (10) amounts of restitution ordered, including any
18 amount collected by the court and paid to a victim of an alleged
19 offense.

20 (c) Information under Subsection (b) with respect to race or
21 ethnicity must be compiled in accordance with the standards of the
22 classification of federal data on race and ethnicity established by
23 the United States Office of Management and Budget.

24 (d) The following entities shall cooperate with the
25 attorney general to assist in the implementation of the program and
26 the collection, recording, compilation, and provision of data to
27 the extent and in the manner required by the attorney general:

1 (1) the Department of Public Safety;

2 (2) the Office of Court Administration of the Texas
3 Judicial System;

4 (3) the correctional institutions division of the
5 Texas Department of Criminal Justice;

6 (4) the Texas Indigent Defense Commission;

7 (5) a district attorney, a criminal district attorney,
8 or a county attorney with criminal jurisdiction; and

9 (6) a local law enforcement agency.

10 (e) Not later than February 1 of each year, the attorney
11 general shall post on the attorney general's Internet website a
12 report summarizing and analyzing the data described in Subsection
13 (b) that was compiled for the preceding calendar year.

14 (f) Personal identifying information obtained by the
15 attorney general under this section is confidential and not subject
16 to disclosure under Chapter 552 and may not be disclosed to any
17 person. For purposes of this subsection, "personal identifying
18 information" includes:

19 (1) an individual's name or an alias used by the
20 individual;

21 (2) an individual's address;

22 (3) an individual's social security number;

23 (4) an individual's telephone number;

24 (5) an individual's fax number;

25 (6) an individual's driver's license number;

26 (7) an individual's e-mail address; or

27 (8) a social media address of an individual.

1 (g) The attorney general may adopt rules as necessary to
2 implement this section.

3 SECTION 4. Notwithstanding Section 402.040(e), Government
4 Code, as added by this Act, the attorney general is not required to
5 submit the initial report required by that section before February
6 1, 2023.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2021.