

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

1 Safety under Section 411.042(b)(10), Government Code.

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

4 (b) The bureau of identification and records shall:

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

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

16 (A) offenses in which family violence was
17 involved;

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

20 (C) offenses under Sections 20A.02, 43.02(a),
21 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

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

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

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

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

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

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

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

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

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

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

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

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

11 (I) the date the order expires;

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

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

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

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

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

27 (10) collect information on offenses under Section

1 25.03, Penal Code, including pertinent information about the
2 alleged offender, the complainant, and each child who is the
3 subject of the offense and, if applicable, pertinent information
4 about any court order that was violated in the commission of the
5 offense.

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

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