

BILL ANALYSIS

C.S.H.B. 4318
By: Walle
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, in many major Texas cities, staffing issues within law enforcement and support services are causing delays in responses to active crime and incident reports. It is important that victims have access to prompt and accurate communication of information pertaining to their case. Crime victim notification systems provide a valuable resource to both the public and to law enforcement, as they automate the process for notification of all relevant information regarding a victim's case and allow the victim to receive information and resources quickly. Such a system can also reduce the current extended 9-1-1 wait times, as victims have the option to file reports online instead of waiting for immediate service from an officer. C.S.H.B. 4318 seeks to improve crime victims' access to information about their cases, give law enforcement organizations the equipment and resources they need to serve their communities, and decrease 9-1-1 wait times by establishing a grant program to provide grants to law enforcement agencies in Texas for the purpose of purchasing or developing a crime victim notification system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4318 amends the Government Code to require the criminal justice division of the governor's office to establish and administer a grant program to provide financial assistance to a law enforcement agency for the purpose of purchasing or developing a crime victim notification system. The bill requires the division to establish the following for purposes of the grant program:

- eligibility criteria for grant applicants;
- grant application procedures;
- criteria for evaluating grant applications and awarding grants;
- guidelines related to grant amounts; and
- procedures for monitoring the use of an awarded grant and ensuring compliance with any conditions of the grant.

The bill authorizes the division to use any available revenue for purposes of the grant program.

C.S.H.B. 4318 requires the crime victim notification system for which a law enforcement agency seeks a grant to do the following:

- notify automatically, and without the requirement to download a software application to opt in to notifications, a victim or relative of a deceased victim by email or text message of all of the following regarding a victim's case:
 - the date on which the incident report is created and the case number;
 - the names of investigators who are assigned to the case;
 - the date an arrest is made, the date an affidavit alleging probable cause is presented to the state's attorney, and the date the defendant is arraigned;
 - whether the case has been dismissed by the state's attorney; and
 - any other information relevant to the case;
- interface with the law enforcement agency's system of records;
- provide configurable triggers to directly send messages;
- provide the capability:
 - to attach informational brochures or other electronic attachments to the messages;
 - for a person to check the case status;
 - to transmit notifications in English or Spanish; and
 - to respond to questions via artificial intelligence;
- monitor the number and types of messages sent and enable a user to visualize that data; and
- provide a survey tool so the law enforcement agency can solicit feedback on victims services.

Information in the crime victim notification system is confidential and not subject to disclosure under state public information law. For purposes of these systems, a "victim" is a person who has suffered personal injury or death as a result of the criminal conduct of another.

C.S.H.B. 4318 requires a law enforcement agency, as a condition of receiving a grant under the program, to annually report to the division the number and types of notifications sent using the crime victim notification system and requires the division, not later than December 1 of each year, to compile that reported information into a written report provided to the legislature.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4318 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced included updates regarding biological evidence, including the results of a sexual assault examination kit, in the list of notifications regarding a victim's case that must be provided to the victim or relative, as applicable, through a crime victim notification system, the substitute does not.