

BILL ANALYSIS

C.S.H.B. 4382
By: Guillen
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In order to conduct a background check to identify whether a person has a criminal conviction, the conviction must be entered into the database maintained by the Department of Public Safety (DPS). When there is a delay in reporting, convicted criminals can successfully pass a background check and purchase a firearm they would otherwise be ineligible to legally purchase. C.S.H.B. 4382 seeks to address this issue by requiring a court to report criminal convictions to DPS within 14 business days after the date of final disposition and establishes that counties must report at least 90 percent of the dispositions of criminal cases within this period to be eligible for governmental planning grants.

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. 4382 amends the Code of Criminal Procedure to require a clerk of court to report to the Department of Public Safety (DPS) the dispositions of all applicable criminal cases in the court, including the disposition of an appeal of a criminal case made to the court, as required by state law not later than the 14th business day after the date each disposition becomes final. The bill requires DPS, each month, to aggregate on a county-wide basis information relating to the timeliness of the dispositions reported by the clerks of court in each county for that month and to determine the corresponding percentage of dispositions timely reported for that county for that period.

C.S.H.B. 4382 conditions the eligibility of a county to receive governmental planning grant money on the criminal justice division of the governor's office certifying that, in at least 30 of the 36 months preceding the date of the grant application, the county consistently reported to DPS not less than 90 percent of the dispositions of criminal cases in the county not later than the 14th business day after the date the disposition becomes final, as determined from the reports submitted to DPS by the clerks of the court in that county. The bill requires DPS, on the division's request to provide to the division the applicable aggregated information for a county.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4382 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.

The substitute changes the date by which a clerk is required to report to DPS the dispositions of criminal cases in the court from the fifth business day after the disposition date, as in the introduced, to the 14th business day after the date each disposition becomes final. The substitute includes a specification absent from the introduced that the reporting requirement applies also with respect to the disposition of an appeal of a criminal case made to the court.

The substitute updates the certification requirement included in the introduced to reflect the substitute's change to the deadline for reporting the disposition of criminal cases and further revises the certification requirement by including a specification, which was absent from the introduced, that the period in which a county must have consistently reported to DPS the requisite percentage of dispositions within the requisite period for certification for grant money by the criminal justice division is in at least 30 of the 36 months preceding the date of the grant application.