

BILL ANALYSIS

Senate Research Center
88R13816 AJZ-F

H.B. 4879
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The FBI began administering a federal crime reporting program in 1930 that became the Uniform Crime Reporting Program (UCR) . In 1976 Texas adopted the UCR, which made it the responsibility of the Department of Public Safety of the State of Texas (DPS) to collect, validate and tabulate UCR reports from all reporting jurisdictions in Texas. In the 1980s the National Incident-Based Reporting System or NIBRS was created, which was a more robust and timely system. In Texas many enforcement jurisdictions have followed, but many agencies are slow to change. Currently, there are 1,071 approved reporting agencies in Texas. Not having all the policing jurisdictions in Texas reporting in the same manner makes it difficult to create reliable analysis and makes that analysis less valuable to policymakers and law enforcement agencies. Currently, the language in the Government Code refers to utilization of NIBRS as a goal only and establishes 2019 as the date for completing the transition. The FBI completed their transition to NIBRS on January 1, 2021.

Purpose:

H.B. 4879 establishes the National Incident-Based Reporting System or NIBRS as the default reporting system for the state and tasks DPS with establishing rules to implement the system. Detailed, accurate, and timely crime data helps to identify patterns and trends within and across jurisdictions and is essential in developing, implementing, and assessing evidence-based policing strategies.

Bill Provisions:

Section 1: Requires DPS to require all local law enforcement agencies to:

- implement an incident-based reporting system that meets the NIBRS requirements; and
- the agencies will submit to DPS information about certain criminal offenses.

Requires DPS will adopt rules to prescribe the way information is submitted, the information submitted is confidential and the information shall ultimately be submitted to the FBI.

Section 2: Texas Crime Information System:

- defines criminal justice agency and system;
- DPS shall establish a computer-based Texas crime information system;
- DPS shall restrict access to the system; and
- DPS shall use the information for certain reports regarding the nature and extent of criminal activities in the state.

Fiscal Impact:

- No significant fiscal implication to the State is anticipated.
- It is assumed that any costs associated with the bill could be absorbed using existing resources.

Support:

Sheriffs Association of Texas; Dallas Criminal District Attorney Office

H.B. 4879 amends current law relating to incident-based reporting of information and statistics concerning offenses committed in this state and the establishment of the Texas crime information system by the Department of Public Safety.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 1 (Section 411.054, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.054, Government Code, as follows:

Sec. 411.054. New heading: INCIDENT-BASED CRIME STATISTICS REPORTING BY LOCAL LAW ENFORCEMENT AGENCIES. (a) Requires the Department of Public Safety of the State of Texas (DPS) to require all local law enforcement agencies to, rather than requires DPS to establish a goal that not later than September 1, 2019, all local law enforcement agencies, will:

(1) implement an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(2) use the system described by Subdivision (1) to submit to DPS information and statistics concerning criminal offenses committed in the jurisdiction of the local law enforcement agency.

(b) Requires DPS by rule to prescribe the form and manner for submitting information and statistics under this section. Deletes existing text requiring DPS, not later than January 1, 2017, to submit a report to the legislature that identifies the number of local law enforcement agencies that have implemented the system described by Subsection (a).

(c) Provides that information and statistics submitted to DPS under this section, except as otherwise provided by this section and Section 411.0541, are confidential and not subject to disclosure under Chapter 552 (Public Information).

(d) Requires DPS to submit the information and statistics received by DPS under this section to the Uniform Crime Reporting Program of the Federal Bureau of Investigation, as required by that program.

SECTION 2. Amends Subchapter D, Chapter 411, Government Code, by adding Section 411.0541, as follows:

Sec. 411.0541. TEXAS CRIME INFORMATION SYSTEM. (a) Defines "criminal justice agency" and "system."

(b) Requires DPS to establish and maintain a computer-based Texas crime information system that includes all of the information and statistics submitted to DPS under Section 411.054.

(c) Requires DPS to restrict access to the system to authorized personnel of criminal justice agencies, as determined by DPS.

(d) Requires DPS to use the information included in the system to periodically publish reports regarding the nature and extent of criminal activities in this state. Requires DPS to submit each report published under this subsection to the governor and each member of the legislature and to publish each report on DPS' Internet website.

SECTION 3. Requires DPS to adopt rules as necessary to implement Section 411.0541, Government Code, as added by this Act.

SECTION 4. Effective date: September 1, 2023.