

BILL ANALYSIS

H.B. 4879
By: Holland
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The FBI began administering a federal crime reporting program in 1930. That first year, 400 cities began participating in what became the Uniform Crime Reporting (UCR) Program. As the nation evolved, so did crime, but the reporting of crime data to the federal government did not until the 1980s when the National Incident-Based Reporting System, or NIBRS, was created. NIBRS is much more robust and timely than the UCR Program, and in 2019 the Sunset Advisory Commission noted that NIBRS is, "...superior to UCR data because they provide circumstances and context for crimes, including all offenses within a single incident..." In 2021, the FBI fully transitioned from the UCR Program to NIBRS, as have many of the policing jurisdictions in Texas. However, there are still some jurisdictions in Texas that have not made the switch. 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. H.B. 4879 establishes NIBRS as the default reporting system for the state and tasks the Department of Public Safety with establishing rules to implement the 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 rulemaking authority is expressly granted to the Department of Public Safety in SECTIONS 1 and 3 of this bill.

ANALYSIS

H.B. 4879 amends the Government Code to replace the requirement for the Department of Public Safety (DPS) to establish a goal that all law enforcement agencies will do the following by September 1, 2019, with a requirement that DPS require all such agencies to do the following:

- implement an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) of the FBI's Uniform Crime Reporting Program; and
- use NIBRS to submit information and statistics concerning criminal offense committed in the agency's jurisdiction to DPS in the form and manner prescribed by DPS rule.

The bill makes the information and statistics submitted to DPS confidential and exempt from disclosure under state public information law, except that DPS is required to submit the information and statistics received to the FBI's Uniform Crime Reporting Program as required by that program.

H.B. 4879 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 the bill and to further do the following:

- restrict access to the system to authorized personnel of criminal justice agencies, as determined by DPS;
- use the information included in the system to periodically publish reports regarding the nature and extent of criminal activities in Texas;
- submit each report to the governor and each member of the legislature and publish each report on the DPS website; and
- adopt rules as necessary to implement these provisions relating to the system.

The bill defines "criminal justice agency" as a state agency that is engaged in the administration of criminal justice under a statute or executive order and allocates a substantial part of the agency's annual budget to the administration of criminal justice or a municipal or county agency, or school district law enforcement agency, that is engaged in the administration of criminal justice under a statute or executive order

EFFECTIVE DATE

September 1, 2023.