

By: Bowers

H.B. No. 2043

A BILL TO BE ENTITLED

AN ACT

relating to a criminal justice system pretrial and sentencing database established by the Office of Court Administration of the Texas Judicial System.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 72, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. CRIMINAL JUSTICE SYSTEM PRETRIAL AND SENTENCING

DATABASE

Sec. 72.201. DATABASE. (a) The office shall establish and maintain a database to collect, compile, and analyze pretrial and sentencing information for each defendant arrested for an offense in this state.

(b) The office shall include in the database the following information for each defendant, as applicable:

(1) the cause number of the case;

(2) the court in which the case is pending;

(3) the defendant's:

(A) date of birth;

(B) race, ethnicity, and sex;

(C) primary language; and

(D) zip code and county of primary residence;

(4) the offense for which the defendant was arrested, including the date the offense was committed and the punishment

- 1 classification level;  
2           (5) the date and county of arrest;  
3           (6) the date and time the person was taken to jail  
4 after arrest;  
5           (7) whether the defendant was determined to be  
6 indigent for purposes of appointment of counsel under Article  
7 26.04, Code of Criminal Procedure;  
8           (8) information regarding bail in the case, including:  
9               (A) the date bail was set;  
10              (B) the name and position of the person setting  
11 bail;  
12              (C) the type of bail and, for a monetary bail  
13 bond, the amount of bail;  
14              (D) the date of the defendant's release on bail;  
15              (E) whether the defendant filed an affidavit  
16 under Article 17.028(f), Code of Criminal Procedure;  
17              (F) any conditions of release on bail; and  
18              (G) whether the defendant was denied bail or was  
19 unable to give bail in the amount set by the court;  
20           (9) the length of pretrial confinement;  
21           (10) any modification of the conditions of release on  
22 bail after the defendant's release;  
23           (11) whether the defendant failed to appear for a  
24 scheduled court appearance and, if known, the reason for the  
25 failure;  
26           (12) whether the defendant violated a release  
27 condition and, if so, a description of the violation;

1           (13) whether the defendant was arrested for committing  
2 an offense while released on bail or community supervision;

3           (14) the disposition of the case, including the  
4 sentence imposed;

5           (15) the date the defendant's sentence commenced; and

6           (16) any credit for time served.

7           (c) Information in the database is public information and  
8 subject to disclosure under Chapter 552.

9           Sec. 72.202. SUBMISSION OF INFORMATION BY COURTS. (a) Not  
10 later than the fifth day of each month, the clerk of each court in  
11 this state with criminal jurisdiction shall submit to the office,  
12 on a form prescribed by the office, the information described by  
13 Section 72.201(b) with respect to defendants arrested for offenses  
14 in the preceding month.

15           (b) In submitting the information under Subsection (a), the  
16 clerk shall include any updated or additional information with  
17 respect to each defendant for whom information has already been  
18 reported.

19           Sec. 72.203. PUBLISHED INFORMATION. (a) Except as  
20 provided by Subsection (d), the office shall publish deidentified  
21 pretrial and sentencing data from the database on the office's  
22 Internet website in a modern, open, electronic format that is  
23 machine-readable and readily accessible by the public free of  
24 charge. The office shall update the information on the Internet  
25 website on an annual basis.

26           (b) The published data must be searchable by each item of  
27 information described by Section 72.201(b).

1        (c) The data published on the office's Internet website may  
2 not disclose the name or identifying information of a defendant.

3        (d) The office may not publish data at the offense level for  
4 any offense for which there are fewer than five arrests during a  
5 year.

6        Sec. 72.204. RULES. The office may adopt rules as necessary  
7 to implement this subchapter.

8        SECTION 2. As soon as practicable after the effective date  
9 of this Act, the Office of Court Administration of the Texas  
10 Judicial System shall establish the database described by Section  
11 72.201, Government Code, as added by this Act.

12        SECTION 3. A court is not required to submit information to  
13 the Office of Court Administration of the Texas Judicial System  
14 under Section 72.202, Government Code, as added by this Act, with  
15 respect to any defendant arrested before the effective date of this  
16 Act.

17        SECTION 4. The Office of Court Administration of the Texas  
18 Judicial System shall begin publishing pretrial and sentencing data  
19 under Section 72.203, Government Code, as added by this Act, not  
20 later than January 1, 2024.

21        SECTION 5. This Act takes effect September 1, 2023.