

By: Birdwell, Blanco

S.B. No. 2201

A BILL TO BE ENTITLED

AN ACT

relating to intelligence databases for combinations, criminal street gangs, and foreign terrorist organizations.

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

SECTION 1. Article 67.053, Code of Criminal Procedure, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) The department shall develop and make available a minimum training course for access to and use of the intelligence database established by the department under Article 67.052. Before a person may access and use the intelligence database, the person must complete the minimum training course described by this subsection.

(c) The department shall adopt rules necessary to implement this article, including the content of the training course required by Subsection (b-1).

SECTION 2. Article 67.054, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (b-1) and amending Subsection (b) to read as follows:

(a-1) Criminal information collected under this chapter requires reasonable suspicion to be included in an intelligence database. Reasonable suspicion is established when sufficient facts provide a trained law enforcement or criminal justice agency officer, investigator, or employee with a basis to believe there is

1 a reasonable possibility that an individual or organization is
2 involved in a definable criminal activity or enterprise.

3 (b) Criminal information collected under this chapter
4 relating to a criminal street gang or foreign terrorist
5 organization must:

6 (1) be relevant to the identification of an
7 organization that is reasonably suspected of involvement in
8 criminal activity; and

9 (2) consist of:

10 (A) a judgment under any law that includes, as a
11 finding or as an element of a criminal offense, participation in a
12 criminal street gang or foreign terrorist organization;

13 (B) a self-admission by an individual of
14 membership in a criminal street gang or foreign terrorist
15 organization [~~that is made during a judicial proceeding~~]; or

16 (C) [~~except as provided by Subsection (c),~~] any
17 two of the following:

18 (i) [~~a self-admission by the individual of~~
19 ~~membership in a criminal street gang or foreign terrorist~~
20 ~~organization that is not made during a judicial proceeding,~~
21 ~~including the use of the Internet or other electronic format or~~
22 ~~medium to post photographs or other documentation identifying the~~
23 ~~individual as a member of a criminal street gang or foreign~~
24 ~~terrorist organization,~~

25 [~~(ii)~~] an identification of the individual
26 as a member of a criminal street gang or foreign terrorist
27 organization by a documented criminal street gang member or foreign

1 terrorist organization member or a family member [~~reliable~~
2 ~~informant or other individual~~;

3 [~~(iii) a corroborated identification of the~~
4 ~~individual as a member of a criminal street gang or foreign~~
5 ~~terrorist organization by an informant or other individual of~~
6 ~~unknown reliability~~];

7 (ii) [~~(iv)~~] evidence that the individual
8 frequents or is located at a previously documented area of a
9 criminal street gang or foreign terrorist organization, including
10 physical, digital, or online locations [~~and associates with known~~
11 ~~members of a criminal street gang or foreign terrorist~~
12 ~~organization~~];

13 (iii) [~~(v)~~] evidence that the individual
14 uses, in more than an incidental manner, criminal street gang or
15 foreign terrorist organization dress, hand signals, tattoos, or
16 symbols, including expressions of letters, numbers, words, or
17 marks, regardless of how or the means by which the symbols are
18 displayed, that are associated with a criminal street gang or
19 foreign terrorist organization [~~that operates in an area frequented~~
20 ~~by the individual and described by Subparagraph (iv)~~];

21 (iv) [~~(vi)~~] evidence that the individual
22 has been arrested or taken into custody [~~with known members of a~~
23 ~~criminal street gang or foreign terrorist organization~~] for an
24 offense or conduct consistent with gang activity as defined by
25 Section 125.061, Civil Practice and Remedies Code, with:

26 (a) known members of a criminal street
27 gang or foreign terrorist organization; or

1 (b) individuals who use, in more than
2 an incidental manner, criminal street gang or foreign terrorist
3 organization dress, hand signals, tattoos, or symbols, including
4 expressions of letters, numbers, words, or marks, regardless of how
5 or the means by which the symbols are displayed, that are associated
6 with a criminal street gang or foreign terrorist organization;

7 (v) [~~(vii)~~] evidence that the individual
8 communicates, whether in person, in writing, or electronically,
9 with [~~has visited~~] a known member of a criminal street gang or
10 foreign terrorist organization[, ~~other than a family member of the~~
11 ~~individual,~~] while the member is confined in or committed to a penal
12 institution; or

13 (vi) [~~(viii)~~] evidence of the individual's
14 use of technology, including the Internet and social media, to
15 advertise the criminal street gang or foreign terrorist
16 organization or recruit new members of a criminal street gang or
17 foreign terrorist organization.

18 (b-1) If a law enforcement officer has reasonable suspicion
19 that an individual is associated with a criminal street gang or
20 foreign terrorist organization as a result of meeting the criteria
21 to be included in the intelligence database, the officer's name and
22 department must be included in the database with the individual's
23 submitted information.

24 SECTION 3. Article 67.151(b), Code of Criminal Procedure,
25 is amended to read as follows:

26 (b) Information that is [~~Subject to Subsection (c),~~
27 ~~information]~~ collected about an individual under this chapter and

1 that relates ~~[relating]~~ to a criminal street gang must be removed
2 after five years from an intelligence database established under
3 Article 67.051 and the intelligence database maintained by the
4 department under Article 67.052 unless new ~~[if]~~

5 ~~[(1) the]~~ information is submitted that meets the
6 submission criteria under Article 67.054 to be included in those
7 intelligence databases ~~[relates to the investigation or~~
8 ~~prosecution of criminal activity engaged in by an individual other~~
9 ~~than a child; and~~

10 ~~[(2) the individual who is the subject of the~~
11 ~~information has not been arrested for criminal activity reported to~~
12 ~~the department under Chapter 66].~~

13 SECTION 4. Article 67.152(b), Code of Criminal Procedure,
14 is amended to read as follows:

15 (b) Information that is ~~[Subject to Subsection (c),~~
16 ~~information]~~ collected about a child under this chapter and that
17 relates ~~[relating]~~ to a criminal street gang must be removed after
18 two years from an intelligence database established under Article
19 67.051 and the intelligence database maintained by the department
20 under Article 67.052 unless new ~~[if]~~

21 ~~[(1) the]~~ information is submitted that meets the
22 submission criteria under Article 67.054 to be included in those
23 intelligence databases ~~[relates to the investigation or~~
24 ~~prosecution of criminal activity engaged in by a child; and~~

25 ~~[(2) the child who is the subject of the information has~~
26 ~~not been]~~

27 ~~[(A) arrested for criminal activity reported to~~

~~the department under Chapter 66, or~~
~~[(B) taken into custody for delinquent conduct~~
~~reported to the department under Chapter 58, Family Code].~~

SECTION 5. Subchapter D, Chapter 67, Code of Criminal Procedure, is amended by adding Article 67.153 to read as follows:

Art. 67.153. AUDIT. The state auditor annually shall
conduct an audit of information that is held in the department's
intelligence database maintained under Article 67.052.

SECTION 6. The following provisions of the Code of Criminal Procedure are repealed:

- (1) Article 67.054(c);
- (2) Article 67.151(c); and
- (3) Article 67.152(c).

SECTION 7. (a) The Department of Public Safety shall develop and make available the minimum training course required by Article 67.053(b-1), Code of Criminal Procedure, as added by this Act, not later than January 1, 2026.

(b) A person who begins accessing the intelligence database maintained under Chapter 67, Code of Criminal Procedure, before January 1, 2026, is not required to take the minimum training course described by Article 67.053(b-1), Code of Criminal Procedure, as added by this Act, before January 1, 2027.

SECTION 8. This Act takes effect September 1, 2025.