

SUBJECT: Establishing a criminal justice system sentencing database

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Leach, Julie Johnson, Davis, Flores, Murr, Schofield, Slawson, Vasut

0 nays

1 absent — Moody

WITNESSES: For — Luis Soberon, Texas 2036 (*Registered, but did not testify*: M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Jessica Anderson, Houston Police Department; Guy Herman, Presiding Judge of the Statutory Probate Courts of Texas)

Against — None

On — Louis Tomasetti, Office of Court Administration

DIGEST: HB 3937 would direct the Office of Court Administration (OCA) to establish a database of defendant sentencing information, which would be free and accessible to the public. For each defendant convicted of a Class B misdemeanor or higher category of offense, the database would include:

- the age and zip code of the defendant at the time of the offense;
- the defendant's indigence status;
- the defendant's race, ethnicity, and gender;
- information on the offense(s) for which the defendant was sentenced, including: a) each offense and its category; b) the provision of law under which the defendant was sentenced; and c) the date on which the offense(s) occurred and the sentencing date;
- the length of confinement, imprisonment, probation, or community supervision;
- in the case of multiple sentences, whether the sentences were

- ordered to be served consecutively or concurrently;
- the amount of any applicable court fee, fine, and restitution;
- all charges brought against the defendant;
- any penalty enhancements applied;
- the amount and type of any court-ordered bail;
- any credit for time served;
- any requirement to attend a pretrial diversion or treatment program and which one;
- the defendant's plea;
- any accepted or rejected plea bargain agreement;
- any jury-assessed punishment and recommended sentence;
- whether the defendant was convicted in a jury or bench trial;
- the defendant's type of legal representation;
- the category of facility to which the defendant was sentenced; and
- for drug offense(s), substance information.

This information would not be required to be removed from the database if an order of expunction was issued. The bill would require OCA to publish the data in electronic format on the OCA's website no later than April 1, 2024. HB 3937 would require the data to be updated monthly and be searchable by each of the data elements included in the database. The bill would prohibit the publishing of information disclosing the defendant's name or other identifying information, or that of any other individual involved in the defendant's sentencing.

Under the bill, a court would not be required to submit information to OCA regarding any sentencing that occurred before January 1, 2024. This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

SUPPORTERS
SAY:

HB 3937 would provide transparency regarding the criminal legal system, while protecting the identity of defendants, in establishing a new database collecting detailed information on the process. Policy makers are limited in their ability to analyze and effectively act on criminal justice trends and

outcomes since there is currently no centralized sentencing database. The bill would provide a greater understanding of the factors driving justice involvement, prison populations, and the equities impacted by the current system.

The public also would benefit from the bill by gaining insight on the criminal justice system to assess how their tax dollars were being spent. Funding for the IT upgrades necessary at OCA for this database has already been accounted for in both the House and the Senate base budget.

CRITICS
SAY:

No concerns identified.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of \$6 million to general revenue related funds through fiscal 2025. The bill would make no appropriation, but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.