

BILL ANALYSIS

Senate Research Center
77R5999 JMC-F

H.B. 776
By: Haggerty (Staples)
Criminal Justice
5/8/2001
Engrossed

DIGEST AND PURPOSE

Criminal history records are an important public safety tool used both by the criminal justice system and by those monitoring employment at schools, day care centers, and nursing homes. During the 71st Legislature, the Texas Criminal Justice Information System (system) was established. H.B. 776 modifies existing provisions and adds new provisions relating to the implementation and operation of the system and the submission of information to the system and the dissemination and use of that information.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 60.02(j), Code of Criminal Procedure, to require the Department of Public Safety (department), not later than the first anniversary after the date the examining entity submits its report, to report to the Legislative Budget Board, the governor, the state auditor, and the Criminal Justice Policy Council on the department's progress in implementing the examining entity's recommendations, including for each recommendation not implemented the reason for not implementing the recommendation. Requires the department to submit a similar report each year following the submission of the first report until each of the examining entity's recommendations is implemented.

SECTION 2. Amends Chapter 60, Code of Criminal Procedure, by adding Articles 60.20 and 60.21, as follows:

Art. 60.20. INFORMATION RELATED TO NON-FINGERPRINT SUPPORTED ACTIONS. Requires the department, on receipt of a report of prosecution or court disposition information from a jurisdiction for which corresponding arrest data does not exist in the computerized criminal history system, to enter the report into a non-fingerprint supported file that is separate from the computerized criminal history system. Requires the department to grant access to records in the non-fingerprint supported file that include the subject's name or other identifier in the same manner as the department is required to grant access to criminal history record information under Chapter 411F, Government Code. Requires the department, on receipt of a report of arrest information that corresponds to a record in the non-fingerprint supported file, to transfer the record from the non-fingerprint supported file to the computerized criminal history system.

Art. 60.21. MONITORING TRACKING; INFORMATION SUBMISSION. (a) Requires the Department of Information Resources (DIR) to monitor the development of the corrections tracking system by the Texas Department of Criminal Justice (TDCJ) to ensure implementation of the system not later than June 1, 2005.

(b) Requires the department, not later than January 1, 2003, to develop a plan to

encourage local criminal justice agencies to report criminal history data to the department for inclusion in the computerized criminal history system as required by Chapter 60, Code of Criminal Procedure and evaluate the necessity of imposing sanctions on local criminal justice agencies that do not report criminal history data as required by Chapter 60, Code of Criminal Procedure.

(c) Requires the department to monitor the submission of arrest and disposition information by local jurisdictions; annually submit to the Legislative Budget Board, the governor, the state auditor, and the council a report regarding the level of reporting by local jurisdictions; and identify local jurisdictions that do not report arrest or disposition information or that partially report information.

(d) Provides that this article expires December 31, 2005.

SECTION 3. Amends Sections 411.083(b) and (c), Government Code, to require the department to grant access to criminal history record information to certain entities, including a county or district clerk's office and the Office of Court Administration of the Texas Judicial System. Authorizes the department to disseminate criminal history record information under Subsection (b)(6) only to the extent necessary for a county or district clerk to perform a duty imposed by law to collect and report criminal court disposition information. Authorizes criminal history record information disseminated to a clerk under Subsection (b)(6) to be used by the clerk only to ensure that information reported by the clerk to the department is accurate and complete. Provides that the dissemination of information to a clerk under Subsection (b)(6) does not affect the authority of the clerk to disclose or use information submitted by the clerk to the department. Authorizes the department to disseminate criminal history record information under Subsection (b)(7) only to the extent necessary for the office of court administration to perform a duty imposed by law to compile court statistics or prepare reports. Authorizes the office of court administration to disclose criminal history record information obtained from the department under Subsection (b)(7) in a statistic compiled by the office or a report prepared by the office, but only in a manner that does not identify the person who is the subject of the information.

SECTION 4. Makes application of the changes in law made by Article 60.02(j), Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 5. Requires the department, not later than October 1, 2001, to transfer from the computerized criminal history system maintained by the department under Chapter 60, Code of Criminal Procedure, all records of prosecution or court disposition information for which corresponding arrest data does not exist in the system to a non-fingerprint supported file as required by Article 60.20, Code of Criminal Procedure, as added by this Act.

SECTION 6. Effective date: upon passage or September 1, 2001.