

BILL ANALYSIS

Senate Research Center
80R14673 JPL-D

C.S.H.B. 76
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Criminal Justice
4/13/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires the bureau of identification and records (bureau) within the Department of Public Safety (DPS) to collect certain information regarding offenses reported or known to have been committed in the state, including a statistical breakdown of those offenses in which family violence was involved. However, no statewide sexual assault data is required to be collected, and therefore, there is a lack of statewide statistics about sexual assault.

C.S.H.B. 76 requires the bureau to collect information regarding sexual assault and defines the specific sexual assault data that must be collected, including information about the offender and the offender's relationship to the victim, any weapons used, and any injuries sustained by the victim.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety is modified in SECTION 1 (Section 411.042, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.042, Government Code, by amending Subsections (b) and (g) and adding Subsections (h) and (i), as follows:

(b) Includes information that enables the bureau of identification and records (bureau) to create a statistical breakdown of offenses in which family violence was involved and a statistical breakdown of offenses under Sections 22.011 (Sexual Assault) and 22.021 (Aggravated Sexual Assault), Penal Code, to the information and records required to be collected by the bureau.

(g) Authorizes the Department of Public Safety (DPS) to adopt reasonable rules relating to certain processes and information, including active protective orders issued under Title 4, rather than Title 71, Family Code, and the collection of information described by Subsection (h).

(h) Requires certain information collected that enables the bureau to perform a statistical breakdown of offenses to include information indicating the specific offense committed and information regarding the victim, the offender and the offender's relationship to the victim, any weapons used or exhibited in the commission of the offense, and any injuries sustained by the victim.

(i) Requires a law enforcement agency to report offenses under Section 22.011 or 22.021, Penal Code, to DPS in the form and manner and at regular intervals as prescribed by rules adopted by DPS. Requires the report to include the information described by Subsection (h).

SECTION 2. Requires DPS, in consultation with statewide, nonprofit sexual assault programs, to establish the rules and procedures necessary to comply with Section 411.042, Government Code, as amended by this Act, not later than October 1, 2007.

SECTION 3. Effective date: September 1, 2007.