

## **BILL ANALYSIS**

Senate Research Center  
85R31935 KJE-D

C.S.H.B. 245  
By: Johnson, Eric et al. (Whitmire)  
Criminal Justice  
5/19/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties assert that while officer-involved injuries and deaths and certain injuries and deaths of peace officers are required to be reported by law, some law enforcement agencies are failing to do so. C.S.H.B. 245 addresses this noncompliance by penalizing law enforcement agencies that fail to comply with those reporting requirements following notice from the attorney general's office. There is a \$1000 civil penalty for each day after the 7th day past the deadline for agencies that do not report. Compliance with this reporting has been very good. The only opposition to this bill in the house of representatives was SAPD and they were fine after the substitute.

The committee substitute also adds the language from H.B. 673. Interested parties contend that the current method of submitting various reports related to criminal justice to the office of the attorney general is too burdensome and question whether the attorney general's annual report is the best method for presenting criminal justice statistics to the general public. C.S.H.B. 673 addresses these issues by creating a criminal justice web portal and changing certain deadlines for reports. No one testified against this bill in the house of representatives. It died on the calendar.

C.S.H.B. 245 amends current law relating to certain reporting requirements for law enforcement agencies and to the creation of a criminal justice web portal by the office of the attorney general and provides a civil penalty.

### **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 Articles 2.139(c) and (e), Code of Criminal Procedure, as added by Chapter 516 (H.B. 1036), Acts of the 84th Legislature, Regular Session, 2015, as follows:

(c) Deletes existing text that requires a law enforcement agency employing an officer involved in an injury or death to post a copy of the written or electronic report on the agency's website, if the agency maintains an Internet website.

(e) Changes the deadline for the Office of the Attorney General's (OAG's) report regarding all officer-involved injuries or deaths from February 1 of each year to March 1 of each year.

SECTION 2. Amends Articles 2.1395(b) and (c), Code of Criminal Procedure, as follows:

(b) Deletes existing text requiring a law enforcement agency employing the injured or deceased officer to post a copy of its written or electronic report on the agency's website, if the agency maintains an Internet website.

(c) Changes the deadline for OAG's report regarding all incidents described by Subsection (a) (relating to incidents in which peace officers performing an official duty

are shot by a person who is not a peace officer) from February 1 of each year to March 1 of each year.

SECTION 3. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.13951, as follows:

Art. 2.13951. NOTICE OF VIOLATION OF REPORTING REQUIREMENTS FOR CERTAIN INJURIES OR DEATHS; CIVIL PENALTY. (a) Requires OAG to conduct an investigation after receiving a written and signed report, on a form prescribed by OAG, asserting that a law enforcement agency failed to submit a report required by Article 2.139 (Reports Required for Officer-Involved Injuries or Deaths) or 2.1395 (Reports Required for Certain Injuries or Deaths of Peace Officers). Requires OAG to provide notice of failure to submit a report to a law enforcement agency, if OAG determines the agency failed to submit a report. Requires that the notice summarize the applicable reporting requirement and state that the agency may be subject to a civil penalty as provided by Subsection (b) or (c), as applicable.

(b) Provides that a law enforcement agency that fails to submit the required report on or before the seventh day after the date of receiving notice under Subsection (a) is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report, except as provided under Subsection (c).

(c) Provides that beginning on the day after the date of receiving notice under Subsection (a), a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty under Subsection (b) or this subsection is liable for a civil penalty for each day the agency fails to submit the required report. Provides that the amount of a civil penalty under this subsection is \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report.

(d) Authorizes the Texas Attorney General (attorney general) to sue to collect a civil penalty under this article.

(e) Requires that a civil penalty collected under this article be deposited to the credit of the compensation to victims of crime fund established under Subchapter B (Crime Victims' Compensation), Chapter 56 (Rights of Crime Victims).

SECTION 4. Amends Subchapter B, Chapter 402, Government Code, by adding Section 402.040, as follows:

Sec. 402.040. CRIMINAL JUSTICE WEB PORTAL. (a) Requires OAG to develop and maintain a web portal to collect, compile, and analyze data related to criminal justice in this state. Requires OAG to ensure that the web portal is accessible through the state electronic Internet portal project.

(b) Requires the attorney general to direct each law enforcement agency to submit through the web portal any report required to be submitted by the agency to OAG under any law, including information reported under Articles 2.139 and 2.1395, Code of Criminal Procedure, but excluding information reported under Chapter 56, Code of Criminal Procedure.

(c) Requires that the web portal provide access to reports submitted to OAG through the web portal, other than reports that are confidential or protected from disclosure under state or federal law, and include an interactive dashboard that provides an analysis and a visual representation of the described data included in the reports.

(d) Requires that the reports and dashboard required by Subsection (c) be accessible to the public.

(e) Authorizes OAG, in developing the web portal, to contract or consult with a nonprofit organization that specializes in web-based data analysis.

SECTION 5. Redesignates existing Article 2.139, Code of Criminal Procedure, as added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature, Regular Session, 2015, as Article 2.1396, Code of Criminal Procedure.

SECTION 6. Requires OAG, not later than September 1, 2018, to develop the web portal required under Section 402.040, Government Code, as required by this Act.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Provides that, to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. Effective date: September 1, 2017.