

## **BILL ANALYSIS**

Senate Research Center  
81R8853 KCR-D

S.B. 1061  
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Criminal Justice  
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As Filed

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

The accuracy and completeness of the disposition information reported by county entities to the Texas Department of Public Safety (DPS) for inclusion in the criminal history database has been insufficient for quite some time now. The purpose of S.B. 1061 is to improve the completeness and accuracy of reporting by county actors, such as clerks of the court, sheriffs, and district and county attorneys.

As proposed, S.B. 1061 requires counties with a reporting completeness percentage of less than 90 percent to form a local data advisory group to create a data reporting improvement plan, and report that plan to DPS. The bill requires DPS to publish the required plan on its website and work to implement their plan. The bill exempts counties with a disposition completeness of 90 percent or above from the requirements.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the public safety director of the Texas Department of Public Safety in SECTION 1 (Article 60.10, Code of Criminal Procedure) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 60, Code of Criminal Procedure, by adding Article 60.10, as follows:

Art. 60.10. DATA REPORTING IMPROVEMENT PLAN. (a) Defines "disposition completeness percentage."

(b) Provides that this article applies only to a county that has an average disposition completeness percentage, including both juvenile and adult dispositions, of less than 90 percent, as reflected in the first report the Texas Department of Public Safety (DPS) submits under Article 60.21(b)(2) (relating to a requirement that the DPS submit a report regarding the level of reporting by local jurisdiction to certain entities) on or after January 1, 2009.

(c) Requires the commissioners court of a county described by Subsection (b) to establish a local data advisory board as described by Article 60.09 (Local Data Advisory Boards) not later than November 1, 2009. Authorizes a local data advisory board established under this article to include any person described by Article 60.09(b) (relating to authorization for local officials who collect, store, report, and use data to be appointed to the local data advisory board) and is required to include:

- (1) the sheriff of the county, or the sheriff's designee;
- (2) an attorney who represents the state in the district courts of the county;
- (3) an attorney who represents the state in the county courts of the county;
- (4) the clerk for the district courts of the county, or the clerk's designee;
- (5) the clerk for the county courts of the county, or the clerk's designee;

(6) the police chief of the municipality with the greatest population located in the county, or the chief's designee;

(7) a representative of the county's automated data processing services, if the county performs those services; and

(8) a representative of an entity with whom the county contracts for automated data processing services, if the county contracts for those services.

(d) Requires a local data advisory board established under this article, in addition to the duties described by Article 60.09(a) (relating to the duties of local data advisory boards created by the commissioners court of each county), to prepare a data reporting improvement plan. Requires that the data improvement plan:

(1) describe the manner in which the county intends to improve the county's disposition completeness percentage;

(2) ensure that the county takes the steps necessary for the county's average disposition completeness percentage to be equal to or greater than 90 percent in the first report DPS submits under Article 60.21(b)(2) on or after January 1, 2013; and

(3) include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above 90 percent.

(e) Requires a local data advisory board established under this article, not later than June 1, 2010, to submit to DPS the data reporting improvement plan prepared for the county. Requires DPS, on receipt of a data reporting improvement plan under this article, to post the plan on the Internet website maintained by DPS.

(f) Authorizes the public safety director of DPS to adopt rules concerning the contents and form of a data reporting improvement plan prepared under this article.

(g) Provides that this article expires September 1, 2013.

SECTION 2. Amends Article 60.21, Code of Criminal Procedure, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires DPS to perform certain actions, including to annually submit to the Legislative Budget Board, the governor, the state auditor, and the standing committees in the senate and house of representatives that have primary jurisdiction over criminal justice and DPS, rather than to the council, a report regarding the level of reporting by local jurisdictions.

(c) Requires the report described by Subsection (b)(2) to contain a disposition completeness percentage for each county in this state. Defines "disposition completeness percentage" for purposes of this subsection.

SECTION 3. Effective date: September 1, 2009.