

BILL ANALYSIS

Senate Research Center
86R8343 JSC-F

H.B. 1528
By: Rose et al. (West)
Criminal Justice
5/7/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that law enforcement is not required to enter certain family violence misdemeanor convictions or affirmative findings of family violence into the computerized criminal history system. It has been suggested that the reporting of these convictions and findings will aid in identifying habitual offenders, provide greater protection for victims of family violence, and empower law enforcement and prosecutors, who will be able to make more informed decisions knowing the history of a suspect. H.B. 1528 seeks to proactively protect those vulnerable to family violence by providing for the reporting of certain information involving family violence offenses.

H.B. 1528 amends current law relating to the reporting of certain information involving family violence offenses.

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 66.102(f), Code of Criminal Procedure, to add information on whether the judgment imposing the sentence reflects an affirmative finding entered under Article 42.013 (Finding of Family Violence) to a list of information relating to sentencing required to be included in the computerized criminal history system.

SECTION 2. Amends Article 66.252, Code of Criminal Procedure, by amending Subsection (b) and adding Subsection (g), as follows:

(b) Requires the arresting law enforcement agency to prepare a uniform incident fingerprint card described by Article 66.251 (Uniform Incident Fingerprint Card) and initiate the reporting process for each offender charged with:

- (1) creates this subdivision from existing text and makes a nonsubstantive change;
- (2) a misdemeanor for which a term of confinement may be imposed; or
- (3) a misdemeanor punishable by fine only that involves family violence, as defined by Section 71.004 (Family Violence), Family Code, rather than a misdemeanor other than a misdemeanor punishable by fine only.

(g) Requires the clerk of the court exercising jurisdiction over the case, on disposition of a case in which an offender is charged with a misdemeanor described by Subsection (b)(3), to report the applicable information regarding the person's citation or arrest and the disposition of the case to the Department of Public Safety of the State of Texas (DPS) using a uniform incident fingerprint card described by Article 66.251 or an electronic methodology approved by DPS.

SECTION 3. Makes application of this Act prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Effective date: September 1, 2019.