

BILL ANALYSIS

Senate Research Center
77R12377 JMC-D

H.B. 3149
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Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Currently, there is no database that compiles information about threats made against peace officers. H.B. 3149 requires the Department of Public Safety to create and maintain such a database.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the public safety director in SECTION 1 (Section 411.048, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 411D, Government Code, by adding Section 411.048, as follows:

Sec. 411.048. THREATS AGAINST PEACE OFFICERS. (a) Defines “criminal justice agency” and “peace officer.”

(b) Requires the bureau of identification and records to establish and maintain a central index in the law enforcement information system maintained by the department for a certain purpose.

(c) Requires a criminal justice agency to immediately enter into the information system an electronic report of an individual who makes a threat described by Subsection (b)(1). Requires the agency to enter the information in the form and manner provided by rules adopted by the director.

(d) Requires the Department of Public Safety (department), on proper inquiry into the information system, to disseminate information collected under this section to a criminal justice agency as reasonably necessary to protect the safety of a peace officer. Authorizes the criminal justice agency to use information disseminated under this subsection in the manner provided by rules adopted by the director.

(e) Requires the department to promptly respond to a request to disclose information collected under this section by an individual who is the subject of the information.

(f) Authorizes an individual who is the subject of information collected under this section to request that the director, the director's designee, or a court review the information to determine whether the information complies with rules adopted by the director. Requires the review to be conducted using the same procedure for reviewing criminal information collected under Chapter 61, Code of Criminal Procedure.

(g) Provides that a peace officer or criminal justice agency is not liable for an act or omission relating to the collection, use, or dissemination of information collected under this section in accordance with rules adopted by the director.

(h) Authorizes the director to adopt rules to implement and enforce this section. Requires any rule adopted by the director under this section to comply with the provisions of the Code of Federal Regulations, Title 28, Part 23, as it applies to criminal intelligence systems.

SECTION 2. Amends Section 552.108(a), Government Code, to provide that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 under certain conditions.

SECTION 3. Effective date: May 1, 2002.