

BILL ANALYSIS

Senate Research Center
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S.B. 693
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The City of Dallas and Dallas County look to take the next step to reduce family violence by helping to prevent future incidents that could place victims at greater risk of harm. S.B. 693 would require Class C fine only family violence convictions to be reported to the Department of Public Safety of the State of Texas (DPS) for entry into the statewide computerized criminal history system.

Currently, reporting Class C family violence convictions to DPS is not mandatory. But any reasonable step that can be taken to reduce future occurrences of domestic violence merits trying a different approach. If information on past misdemeanor convictions were added to DPS records statewide, officers who respond to calls for service on domestic violence complaints would be better informed of a suspect's history related to family violence. Future convictions for misdemeanor family violence would also be available to the courts and prosecutors should another incident ever take place.

The cities of Dallas and San Antonio now voluntarily share Class C family violence conviction records. But if a suspect were convicted previously in another jurisdiction, that information is not readily accessible to law enforcement. This means that repeat, misdemeanor offenses may continue to go unnoticed until they escalate into more violent incidents that could result in worse outcomes for victims. S.B. 693 gives authorities the tools to be more proactive in preventing future episodes of domestic violence.

Under S.B. 693, following a complaint or call for service where an officer did not feel an arrest was warranted, a citation would be issued and the suspect would be required to appear in court. Upon appearance, if the case results in a Class C family violence conviction, the suspect would be fingerprinted and the prints would be forwarded to DPS. Failure to appear would result in the issuance of a warrant.

Local jurisdictions would have the flexibility to decide how fingerprint records, along with other information that is collected during an arrest, would be sent to DPS for entry into the system.

S.B. 693 is limited to reporting only misdemeanor convictions for Class C family violence offenses.

S.B. 693 has the support of the City of Dallas, the City of San Antonio, the City of Houston, the City of Austin, and the Texas Council on Family Violence.

As proposed, S.B. 693 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 is authorized to 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.