

BILL ANALYSIS

C.S.H.B. 3334
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Sentencing data is largely inaccessible to the public and there is no statewide depository for this information. While the Office of Court Administration (OCA) is already in the process of introducing a standardized case management system, it has been suggested that OCA should also create a public database for sentencing information available to the public in order to allow policymakers and the public to utilize this data. C.S.H.B. 3334 provides for a digital database of sentencing information.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Office of Court Administration of the Texas Judicial System in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3334 amends the Government Code to require the Office of Court Administration of the Texas Judicial System (OCA) to create and maintain a criminal justice system sentencing database to collect, compile, and analyze data regarding the sentencing of each defendant who has been convicted of a Class B misdemeanor or any higher category of offense. The bill expressly does not require information maintained in the database to be removed from the database following an order of expunction issued with respect to that information. The bill requires the clerk of the sentencing court, on disposition of a defendant's case, to submit to OCA, within the time period prescribed by OCA, a written record of the required data with respect to the defendant's case. A court is not required to submit such information regarding any sentencing that occurred before January 1, 2022.

C.S.H.B. 3334 requires OCA to compile data for the database related to the following:

- information about the about the age and home zip code of the defendant;
- the defendant's indigence status
- the defendant's race, ethnicity, and gender;
- with respect to the offenses for which the defendant was sentenced:
 - each offense and category of the offense;
 - the provision of law under which the defendant was sentenced;
 - the date on which the offense and related sentencing occurred;
- the length of imprisonment, probation, and any community supervision;
- whether any multiple sentences were ordered to be served consecutively or concurrently;
- court fees, fines, or restitution assessed;
- charges brought against the defendant;

- any enhancements applied;
- the amount and type of any bail;
- any credit for time served;
- any requirement to attend a diversionary or treatment program;
- the defendant's plea;
- any approved or rejected plea agreement;
- and jury assessed punishment and recommended sentence;
- an indication of any applicable conviction by bench or jury trial;
- the defendant's legal representation;
- the category of any applicable confinement; and
- information regarding an applicable drug offense.

C.S.H.B. 3334 requires OCA, not later than April 1, 2022, to publish deidentified sentencing data from the information in the database on the OCA website in a modern, open, electronic format that is machine-readable and readily accessible by the public, free of charge, and requires OCA to update this information on a monthly basis. The bill requires the data to be searchable by each data element required by the bill and by the county and circuit in which a court is located but prohibits the published data from disclosing the name or identifying information of a defendant or any other individual involved in the defendant's sentencing. The bill requires OCA, not later than September 1 of each even-numbered year, to submit a report to the governor and the legislature regarding the data compiled in the database. The bill authorizes OCA to adopt rules as necessary to implement the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3334 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the defendants to whom the database requirements apply from any defendant that appeared, as in the original, to a defendant convicted of a Class B misdemeanor or any higher category of offense. In addition to this, the substitute changes the required data elements for each defendant as follows:

- by not including data elements that appeared in the original relating to the sentencing court and judge, downgraded charges, cash bail or bond payments, and plea bargains;
- by including data elements that did not appear in the original relating to whether multiple sentences were ordered, each charge brought against the defendant and whether any were amended, penalty enhancements, bail, and the defendant's representation; and
- by changing the data element that appeared in the original relating to the defendant's indigence status at the time of the alleged offense to a data element relating to whether the defendant was determined to be indigent at any time during the case.

The substitute includes a provision that was not in the original that expressly does not require information maintained in the database to be removed from the database following an order of expunction issued with respect to that information. The substitute does not include the original's requirement that the database be searchable by the district in which the court is located.

The substitute and the original both provide for the submission of a written record of the required data, but the substitute clarifies the submission is by the clerk of the sentencing court on final disposition of a defendant's case. Whereas the original does not require submission regarding

any sentencing that occurred before September 1, 2021, the substitute does not require submission regarding any sentencing that occurred before January 1, 2022.

The substitute includes a prohibition that did not appear in the original against the data published on the OCA website identifying any other individual involved in the defendant's sentencing. The substitute changes the deadline by which a court is required to begin publishing the data from not later than January 1, 2022, as required in the original, to not later than April 1, 2022.