

SUBJECT: Creating a statewide electronic gang resource system

COMMITTEE: Juvenile Justice and Family Issues — favorable, with amendment

VOTE: 5 ayes — Goodman, Pickett, P. King, Morrison, Truitt
0 nays
4 absent — Isett, Naishtat, A. Reyna, E. Reyna

SENATE VOTE: On final passage, April 15 — voice vote

WITNESSES: For — None
Against — None
On — Megan Ferland, Office of the Attorney General, Juvenile Crime Prevention Division

DIGEST: SB 1578, as amended, would require the attorney general to establish an electronic gang resource system to provide law enforcement agencies with information about criminal street gangs in Texas. The system would have to include the following information about a gang:

- gang name;
- gang identifiers, such as colors, tattoos, and clothing preferences;
- criminal activities;
- migration trends;
- recruitment activities; and
- a local law enforcement contact.

Access to the system would be limited to law enforcement personnel. Information would have to be accessible by cities, counties, and gang names.

If requested by the attorney general, law enforcement agencies would have to make a reasonable attempt to provide gang information to the attorney general for the gang resource system. The attorney general would have to cooperate with law enforcement agencies in collecting and maintaining the accuracy of

the information in the system.

Information relating to the identity of a specific offender or alleged offender could not be maintained in the system. Information in the system could be used in investigating gang-related crimes, but could be included in affidavits or subpoenas or used in connection with other legal or judicial proceedings only if it were corroborated by information not in the system.

The attorney general would be able to coordinate with the Texas Department of Criminal Justice to include information in the system about groups that have been identified by TDCJ's Security Threat Group Management Office.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS
SAY:**

SB 1578 would give law enforcement officers another tool to fight gang activity. As gangs become increasingly mobile and sophisticated, law enforcement officers are experiencing a need to share general information about them.

The bill would allow information to be shared by letting officers tap into a statewide database to learn about gangs as entities. For example, a law enforcement officer who suspects a gang may be moving into a new territory could access the system and find out about the gang's colors, tattoos, and activities. This information could help the officers prevent and investigate gang activity. The system would be especially useful to officers in smaller jurisdictions that may not have the resources to start from ground zero in a gang investigation.

SB 1578 would protect individuals because the system could not be used to keep information about individual gang members and because the information could not be used in affidavits or subpoenas or other legal or judicial proceedings unless it was corroborated.

**OPPONENTS
SAY:**

The Legislature should be cautious about expanding the government's ability to collect and disseminate information without limits or oversight.

It is unclear how information in the system could be used in affidavits or

SB 1578
House Research Organization
page 3

subpoenas since information relating to the identity of specific offenders or alleged offenders could not be maintained in the system.

OTHER
OPPONENTS
SAY:

SB 1578 should allow access to the system by all criminal justice agencies, such as TDCJ, and not limit it to law enforcement agencies.

NOTES:

The committee amendment would allow information in the system to be used in affidavits or subpoenas or in connection with other legal or judicial proceedings if corroborated.