

SUBJECT: Information in the criminal justice information system

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — Haggerty, Farrar, Allen, Ellis, Gray, Hopson, Ritter  
0 nays  
2 absent — Hodge, Isett

WITNESSES: For — None

Against — None

On — Tony Fabelo, Criminal Justice Policy Council; *Registered but did not testifying*: Gene Draper, Criminal Justice Policy Council; Loretta A. Lewis, Linda Yarbrough, Texas State Comptroller; Rachel Cohen, State Auditor's Office; Valerie Fulmer, Texas Department of Public Safety.

BACKGROUND: The criminal justice information system is the computerized criminal history system and the corrections tracking system. The Department of Public Safety (DPS) is responsible for recording data and maintaining a database for the computerized criminal history system that is the record-creation point for criminal history information maintained by the state. The Texas Department of Criminal Justice is responsible for recording data and establishing and maintaining a database for a corrections tracking system.

DIGEST: CSHB 776 would require the DPS to report to the Legislative Budget Board, the governor, the state auditor, and the Criminal Justice Policy Council (CJPC) on its progress in implementing recommendations of the entity selected by the CJPC to examine the records of the criminal justice information system. The first report would have to be completed within a year of the examining entity submitting its reports, and DPS would have to report annually until all the recommendations had been implemented.

If DPS received prosecution or court disposition reports for which it did not have corresponding arrest data in the computerized criminal history system,

it would have to enter the report into a non-fingerprint supported file that was separate from the computerized criminal history system. If DPS later received arrest information corresponding to a record in the non-fingerprint supported file, it would have to transfer the record to the computerized criminal history system. By October 1, 2001, DPS would have to transfer records of prosecution or court dispositions without corresponding arrest data to a non-fingerprint supported file.

By January 1, 2003, DPS would have to develop a plan to encourage local criminal justice agencies to report criminal history data to DPS for inclusion in the computerized criminal history system and to evaluate the necessity of imposing sanctions on local criminal justice agencies that did not report data as required by the Code of Criminal Procedure.

DPS would be required to monitor the submission of arrest and disposition information by local jurisdictions, annually to submit the LBB, the governor, the state auditor, and the CJPC a report on the level of reporting by local jurisdictions, and to identify jurisdictions not reporting or partially reporting arrest or disposition information.

County or district clerk's offices and the Office of Court Administration of the Texas Judicial System would be added to the list of those with access to criminal history record information.

DPS could disseminate criminal history record information only to the extent necessary for clerks to do their duty to collect and report court dispositions. Information disseminated to a clerk could be used by the clerk only to ensure the information reported by the clerk to DPS was accurate and complete.

DPS could disseminate information to the Office of Court Administration only to the extent necessary for it to perform its duty to compile court statistics or prepare reports. The Office of Court Administration could disclose information in statistics only in ways that did not identify the person who was the subject of the information.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

The Department of Information Resources would be required to monitor the development of the corrections tracing system by the Texas Department of Criminal Justice to ensure the system is implemented by June 1, 2005.

NOTES:

The committee substitute made several changes to the original bill, including adding provisions requiring a report on DPS's progress in implementing recommendations for the criminal justice information system, adding provisions relating to non-fingerprint supported files, and allowing access to criminal history record information by district clerks and the Office of Court Administration.