

- SUBJECT:** Creating a state database on sexual assaults
- COMMITTEE:** Law Enforcement —favorable, without amendment
- VOTE:** 7 ayes — Driver, Latham, Allen, Frost, Ortiz, Vo, West  
0 nays
- WITNESSES:** For — Victoria Camp, Texas Association Against Sexual Assault; Carlos Higgins, Texas Silver Haired Legislature; (*Registered, but did not testify*: Paula Johnson, Texas Silver Haired Legislature; Ana Rodriguez, Texas Council on Family Violence; Ruth Epstein)  
  
Against — None
- BACKGROUND:** Government Code, sec. 411.042 (b)(2) requires the Department of Public Safety (DPS) to collect information on crimes, including a statistical breakdown detailing the number and nature of domestic violence cases on a statewide basis.
- DIGEST:** HB 76 would amend Government Code, sec. 411.042 to require law enforcement agencies to collect information on cases of sexual assault and aggravated sexual assault and forward that data to DPS on a regular basis. The reports would have to include information on:
- the victim;
  - the offender and the offender’s relationship to the victim;
  - any weapon used or exhibited during the sexual assault; and
  - any injury sustained by the victim.
- DPS would be required to work with statewide, nonprofit sexual assault programs to establish rules for the data collection program by October 1, 2007.
- The bill would take effect on September 1, 2007.
- SUPPORTERS SAY:** HB 76 would help foster effective law enforcement procedures and public policies needed to protect Texans against sexual assaults. It would mandate the collection of useful data on incidents of sexual assault that

occur statewide. State uniform crime reports estimate that 8,505 rapes were committed in 2005. However, no statistical information on the use of weapons in these cases or the extent of injuries suffered by victims currently exists. Collecting these data — rather than relying on anecdotal evidence — would help law enforcement, social services agencies, and policy makers to evaluate the effectiveness of existing programs and allocate scarce resources where they would be most effective.

Expenses to implement the program would be minimal. According to DPS, the estimated cost to develop and print new reporting forms and revise the current data collection system would be about \$266,000, and no additional employees would be required.

Much like the current requirement to report domestic violence and hate crimes, HB 76 would require local law enforcement agencies to collect and report information on sexual assaults to DPS. Such standards would ensure that the database would be as complete and useful as possible. Because law enforcement officers already must collect detailed information in the course of investigating sexual assaults, the bill's requirements should not create an excessive administrative burden for them.

HB 76 would require DPS to consult with nonprofit sexual assault programs to establish rules for the data collection program. This would give the department an opportunity to determine whether it would be appropriate to collect data on other criteria, such as the victim's age and the location of the assault.

**OPPONENTS  
SAY:**

HB 76 would be expensive to administer at the state level. According to the fiscal note, the program would require two more DPS employees and cost more than \$520,000 for fiscal 2008-09, with continuing costs in subsequent years.

Law enforcement officers working the streets already have enough forms to complete without the mandates contained in HB 76. More bureaucratic procedures and paperwork could be confusing to local law enforcement agencies, and the resulting data might not be sufficiently meaningful to justify the costs required to collect it.

OTHER  
OPPONENTS  
SAY:

While HB 76 would be an important step in the state's efforts to protect Texans against sexual assault, the bill should require that law enforcement agencies collect data on the victim's age and the location where the assault occurred. Tracking these data would increase the awareness of the vulnerability of children and senior citizens to sexual assault.

NOTES:

SB 58 by Zaffirini, the identical companion bill, was referred to the Senate Criminal Justice Committee on January 23.

According to the Legislative Budget Board, HB 76 would cost an estimated \$398,000 from State Highway Fund 6 in fiscal 2008 and \$123,000 in subsequent years to pay for two DPS employees and start-up costs.