

SUBJECT: Reporting family violence in the Computerized Criminal History System

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 5 ayes — Nevárez, Paul, Calanni, Clardy, Goodwin

3 nays — Burns, Lang, Tinderholt

1 absent — Israel

WITNESSES: For — M. Paige Williams, Dallas Criminal District Attorney John Creuzot; Jaime Esparza, District Attorney, 34th District; Staley Heatly; Bill Wayborn; (*Registered, but did not testify*: Matthew Williamson, Dallas Police Department; Christopher Lutton, San Antonio Police Department; Kristen Lenau, Texas Council on Family Violence)

Against — None

BACKGROUND: Code of Criminal Procedure art. 66, subch. C establishes the Computerized Criminal History System, operated by the Department of Public Safety (DPS) and containing information related to offenders, arrests, prosecutions, dispositions of cases, sentences, and victims.

Subch. F governs uniform incident fingerprint cards, which are forms designed by DPS and distributed to law enforcement agencies that include arrest information, individuals' fingerprints, and other information. Arresting law enforcement agencies are required to prepare uniform incident fingerprint cards and initiate reporting processes for offenders charged with felonies or misdemeanors not punishable by fines only.

DIGEST: HB 1528 would require the Department of Public Safety (DPS) to record in its Computerized Criminal History System whether a judgment imposing a sentence reflected an affirmative finding of family violence.

The bill also would require arresting law enforcement agencies to prepare uniform incident fingerprint cards and initiate reporting processes for

offenders charged with fine-only misdemeanors that involved family violence. Upon disposition of cases in which offenders were charged with fine-only misdemeanors that involved family violence, court clerks would need to report the person's citation or arrest and the disposition of the case to DPS using a uniform incident fingerprint card or an electronic methodology approved by DPS.

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.

**SUPPORTERS  
SAY:**

HB 1528 would allow law enforcement officers and prosecutors to easily identify individuals who committed certain acts of family violence in one jurisdiction and reoffended in another jurisdiction by requiring officers to record these offenses in individuals' statewide criminal history records. Currently, there is no system for reporting and sharing class C family violence misdemeanors across the state's various jurisdictions, which makes it difficult for officers and prosecutors to identify repeat offenders and make informed decisions on how best to respond to them.

In providing law enforcement officers access to this criminal history information, the bill also would empower officers to be more proactive in preventing future family violence and provide a greater level of protection for victims of family violence.

**OPPONENTS  
SAY:**

HB 1528 would add unnecessary language to the Code of Criminal Procedure. Current law governing when law enforcement agencies must prepare uniform incident fingerprint cards and initiate reporting processes is adequate, and it is not necessary add additional language for specific offenses such as family violence.