

SUBJECT: Requiring sex offense information be entered in the Texas Data Exchange

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — Nevárez, Paul, Burns, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

1 absent — Calanni

WITNESSES: For — Jimmie Chatham; Tracy Matheson; (*Registered, but did not testify:* Ray Hunt, Houston Police Officers Union; Chris Kaiser, Texas Association Against Sexual Assault; Noel Johnson, Texas Municipal Police Association; Micah Harmon; Maria Person)

Against — None

BACKGROUND: The Texas Data Exchange (TDEx) is a central repository for law enforcement records and certain criminal justice information for sharing across jurisdictions. TDEx is administered by the Texas Department of Public Safety (DPS).

Interested parties have noted that detectives in a given jurisdiction have no way to know if a person is under investigation in another jurisdiction if that person has not been arrested.

DIGEST: CSHB 3106 would be known as Molly Jane's Law and would require law enforcement agencies that identified a person as a suspect in a sex assault or sex offense investigation to enter into the Texas Data Exchange (TDEx) the suspect's name and date of birth, the sex offense being investigated, the law enforcement agency investigating the offense, and the manner in which the offense was committed.

A law enforcement agency that entered information into TDEx would

remove the information at the earliest of the following dates:

- when the agency no longer considered the individual a suspect in the relevant investigation;
- when the person was charged with the offense being investigated or a similar offense; or
- the fifth anniversary of the information's entry in the database.

The Department of Public Safety could remove any information entered in TDEx by a law enforcement agency that was required by the bill. Information entered in TDEx under the provisions of the bill would be exempt from required disclosure under the Texas Public Information Act.

The bill would take effect September 1, 2019, and would apply only to a pending investigation of a sexual offense, regardless of whether the investigation was commenced before, on, or after the effective date.