

SUBJECT:	Establishing criminal justice system pretrial and sentencing database
COMMITTEE:	Judiciary & Civil Jurisprudence — committee substitute recommended
VOTE:	8 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Vasut  0 nays  1 absent — Slawson
WITNESSES:	For — Nick Hudson, American Civil Liberties Union of Texas; Lauren Rosales, The Bail Project ( <i>Registered, but did not testify</i> : Samuel Sheetz, Americans for Prosperity; M Paige Williams, Dallas Criminal District Attorney John Creuzot; Luis Soberon, Texas 2036; Cole Meyers, Texas Appleseed; Alexis Bay, Texas Civil Rights Project; Aerin Abrams, Texas Fair Defense Project)  Against — None
BACKGROUND:	Some have suggested that establishing a standardized criminal justice pretrial and sentencing database could improve knowledge of the pretrial system and inform evidence-based legislative reforms.
DIGEST:	CSHB 2043 would direct the Office of Court Administration (OCA) to establish and maintain a database to collect, compile, and analyze pretrial and sentencing information for each defendant arrested for an offense in the state.  The following applicable information would be required to be included in the database: <ul style="list-style-type: none"><li>• the cause number of the case;</li><li>• the court in which the case was pending;</li><li>• the defendant's date of birth, race, ethnicity, sex, primary language, and the zip code and county of residence at the time of arrest;</li></ul>

- the offense for which the defendant was arrested, including the date the offense was committed and the punishment classification level;
- the date and county of arrest;
- the date and time the person was taken to jail after arrest;
- the defendant's indigence status for the purposes of counsel appointment;
- certain detailed bail information specified by the bill;
- the length of pretrial confinement;
- any modification to the conditions of bail release after the defendant's release;
- whether the defendant failed to appear for a scheduled court appearance;
- whether the defendant's bail release was revoked due to a violation of a condition of release;
- whether the defendant was arrested while released on bail or community supervision in the same county as the initial offense;
- the disposition of the case, including the sentence imposed;
- the date the defendant's sentence commenced; and
- any credit for time served.

Information in the database would be public information subject to applicable public information disclosure under state law.

The bill would require each law enforcement agency to collect and submit the required information to the applicable court clerk by the 5<sup>th</sup> of each month. The clerk of each court would be required to submit the information to OCA by the 10<sup>th</sup> of each month. Both the law enforcement agency and the clerk would have to provide relevant updated or additional information regarding data previously submitted.

By January 1, 2024, OCA would be required to begin publishing the relevant deidentified data on its website in a manner readily accessible by the public free of charge, and to update the data annually. The published data could not disclose the name or any identifying information of a defendant and would have to be searchable by each item of information

included in the database. Data relating to an offense for which there were fewer than five arrests during a year could not be published.

OCA would be authorized to adopt the necessary rules to implement the bill's provisions and would be required to establish the database as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2023 and would apply only to information regarding defendants arrested on or after that date.

**NOTES:**

According to the Legislative Budget Board, the bill would have an estimated negative impact of \$6 million to general revenue related funds during fiscal 2024-2025.