

BILL ANALYSIS

Senate Research Center

H.B. 2874
By: Goodman (Whitmire)
Criminal Justice
5-15-97
Engrossed

DIGEST

The 74th Legislature approved a bill which authorized law enforcement agencies to compile, maintain, and disseminate information relating to criminal combinations. Pursuant to this authority, law enforcement agencies have developed "gangbooks" in which information on known or suspected gang members is collected. However, it is not clear whether law enforcement agencies which face gang activity crossing over jurisdictional lines may work together and combine into a single database the information they collect under this chapter. In addition, current law requires that information on an individual in the database be destroyed after two years unless the individual has been charged with criminal activity. This bill will provide additional regulations regarding the collection and disposal of information pertaining to a criminal combination.

PURPOSE

As proposed, H.B. 2874 provides additional regulations regarding the collection and disposal of information pertaining to a criminal combination.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 61.03, Code of Criminal Procedure, by adding Subsection (d), to authorize the local criminal justice agency to send information collected under this chapter to a regional database.

SECTION 2. Amends Article 61.04(a), Code of Criminal Procedure, to authorize certain information to be compiled and released, notwithstanding Chapter 58, Family Code, rather than Section 51.14, Family Code.

SECTION 3. Amends Article 61.06, Code of Criminal Procedure, to require information collected under this chapter relating to a child, as that term is defined by Section 51.02, Family Code, to be destroyed after three years, rather than two years, if the individual has not been arrested for certain offenses. Provides that time incarcerated in the institutional division or state jail division of the Texas Department of Criminal Justice for service of a felony sentence or in the Texas Youth Commission for service of a felony sentence or commitment is not counted in the three-year period under Subsection (a).

SECTION 4. Makes application of this Act retroactive.

SECTION 5. Emergency clause.
Effective date: upon passage.