

BILL ANALYSIS

Senate Research Center
77R5536 KEL-D

H.B. 195
By: Najera (Duncan)
Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Currently, it is not uncommon for elderly individuals to be targeted by unscrupulous scam artists. H.B. 195 requires local law enforcement agencies to report investigations of such offenses against elderly people to the Department of Public Safety (department). The department is, in turn, required to analyze that information and make those analyses available to any local law enforcement agency, political subdivision, or state agency.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Section 411.051, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 411D, Government Code, by adding Section 411.051, as follows:

Sec. 411.051. ANALYSIS OF INFORMATION IDENTIFYING PERSONS COMMITTING OR SUSPECTED OF COMMITTING CERTAIN PROPERTY OFFENSES AGAINST ELDERLY INDIVIDUALS. (a) Provides that this section applies to an offense under Chapter 31 or 32, Penal Code, or any other offense under that code involving an intent to steal or defraud if the offense was committed against an elderly individual as defined by Section 22.04(c), Penal Code.

(b) Provides that for purposes of this section, the victim's status as an elderly individual is determined according to the victim's age at the time of the offense.

(c) Requires a law enforcement agency that investigates an offense described by Subsection (a) to report the investigation to the Department of Public Safety (department) in the form and manner and at regular intervals as prescribed by rules adopted by the department. Requires the rules to require submission of the original investigative report and any supplemental investigative report containing new, significant information.

(d) Requires the department, to identify a person committing or suspected of committing an offense described by Subsection (a) or a victim of an offense described by that subsection, to analyze information received under this section and any other corresponding information possessed by the department.

(e) Requires the department to make the analysis required by this section available to any local law enforcement agency, political subdivision, or state agency to the extent the analysis is reasonably necessary or useful to the agency or subdivision in carrying out duties imposed by law on the agency or subdivision. Prohibits this subsection from being construed to enable direct access by a person to information analyzed by the department under this section if the person does not otherwise have direct access to

that information. Provides that dissemination of the analysis required by this section is subject to all confidentiality requirements imposed by other law.

SECTION 2. Requires the department to establish the rules and procedures necessary to comply with Section 411.051, Government Code, as added by this Act, not later than October 1, 2001.

SECTION 3. Effective date: September 1, 2001.