

BILL ANALYSIS

Senate Research Center
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S.B. 1572
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In response to the September 11, 2001, terrorist attacks on the United States and ongoing terrorist threats, the United States Department of Homeland Security and the United States Department of Justice (DOJ) developed the concept of fusion centers to facilitate the exchange and sharing of information among public safety organizations regarding persons of interest.

Federal grants to local communities have helped facilitate the creation of numerous fusion centers around the nation. Early centers had lax or inconsistent policies regarding the collection of information, as well as for the use and storage of that information.

Since that time, DOJ has released guidelines for best practices of fusion centers to protect the rights of Americans. The Austin Regional Intelligence Center was the first fusion center DOJ recognized as meeting those best practices from its inception.

S.B. 1572 would codify those best practices for fusion centers, including a prohibition against collecting information unless it directly relates to criminal conduct or activity and reasonable suspicion exists that the subject of the information is or may be involved in criminal conduct or activity.

As proposed, S.B. 1572 amends current law relating to intelligence data standards and protected personal information.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 421, Government Code, by adding Subchapter E-1, as follows:

SUBCHAPTER E-1. FUSION CENTERS IN GENERAL

Sec. 421.101. DEFINITION. Defines "noncriminal information" in this subchapter.

Sec. 421.102. COLLECTION OF CERTAIN INTELLIGENCE DATA AND NONCRIMINAL INFORMATION PROHIBITED. Prohibits a fusion center from:

(1) reviewing, collecting, or maintaining noncriminal information or criminal intelligence data about the political, religious, or social views, associations, military history, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless the information directly relates to criminal conduct or activity and reasonable suspicion exists that the subject of the information is or may be involved in criminal conduct or activity; or

(2) reviewing, collecting, or maintaining protected health information, biometric information, or personally identifiable information unless the information directly

relates to criminal conduct or activity and reasonable suspicion exists that the subject of the information is or may be involved in criminal conduct or activity.

SECTION 2. Redesignates Subchapter F, Chapter 421, Government Code, as Subchapter G, Chapter 421, Government Code, and amends it, as follows:

SUBCHAPTER G. GOVERNOR'S INTEROPERABLE RADIO COMMUNICATIONS
PROGRAM

Sec. 421.121. DEFINITIONS. Redesignates existing Section 421.095 as Section 421.121. Makes no further changes to this section.

Sec. 421.122. INTEROPERABILITY OF RADIO SYSTEMS. Redesignates existing Section 421.096 as Section 421.122. Makes no further changes to this section.

Sec. 421.123. ASSISTANCE. Redesignates existing Section 421.097 as Section 421.123. Makes a conforming change.

Sec. 421.124. REPORT. Redesignates existing Section 421.098 as Section 421.124. Makes no further changes to this section.

SECTION 3. Amends Section 74.151(a), Civil Practice and Remedies Code, to make a conforming change.

SECTION 4. Effective date: upon passage or September 1, 2011.