

BILL ANALYSIS

Senate Research Center
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S.B. 262
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The accuracy and completeness of the criminal history disposition information reported by county entities to the Department of Public Safety of the State of Texas (DPS) for inclusion in the Criminal Justice Information System (CJIS) database has long been an issue.

S.B. 1061, 81st Legislature, Regular Session, 2009, was enacted to require counties whose disposition completeness percentage fell below 90 percent to form local data advisory groups to focus on improving the accuracy and completeness of CJIS reporting. The local data advisory group was required to submit an improvement plan to DPS to be published on the DPS website.

Since its establishment, this system, coupled with existing agency authority to withhold grant funds, has proven to work well at getting counties to comply with CJIS reporting requirements. The associated statutes are scheduled to expire in September 2013, and need reauthorization for the system to continue to operate.

The purpose of S.B. 262 is to reauthorize the necessary governing statutes indefinitely in an effort to encourage continued improvement of the completeness and accuracy of CJIS reporting by county actors, such as clerks of court, sheriffs, and district and county attorneys.

As proposed, S.B. 262 amends current law relating to the reporting of criminal disposition completeness percentage data.

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 Article 60.10, Code of Criminal Procedure, by amending Subsections (b), (c), (d), and (e) and adding Subsection (e-1), as follows:

(b) Provides that this article applies only to a county that has an average disposition completeness percentage, including individualized determinations for both juvenile and adult dispositions, of less than 90 percent, as reflected in the most recent, report submitted by the Department of Public Safety of the State of Texas (DPS) under Article 60.21(b)(2) (relating to requiring DPS to submit a report regarding the level of reporting by local jurisdictions to certain state entities), rather than as reflected in the first report DPS submits under Article 60.12(b)(2) on or after January 1, 2009.

(c) Requires the commissioners court of a county described by Subsection (b) to establish a local data advisory board as described by Article 60.09 (Local Data Advisory Boards) not later than the 120th day after the date this article becomes applicable to the county based on the report under Article 60.21(b)(2), rather than to establish a local data advisory board as described by Article 60.09 not later than November 1, 2009.

(d) Requires a local data advisory board for a county that is subject to the requirements of this article, rather than established under this article, to prepare a data reporting

improvement plan, in addition to the duties described by Article 60.09(a) (relating to authorizing the commissioners courts of each county to create local data advisory boards, among other duties). Requires the data reporting improvement plan to meet certain criteria, including that it ensures that the county takes the steps necessary for the county's average disposition completeness percentage to be equal to or greater than 90 percent not later than the first anniversary of the date this article becomes applicable to that county based on the report under Article 60.21(b)(2), rather than be equal to or greater than 90 percent in the first report DPS submits under Article 60.21(b)(2) on or after January 1, 2013.

(e) Requires a local data advisory board for a county that is subject to the requirements of this article, not later than June 1 of each year, rather than not later than June 1, 2010, to submit to DPS the data reporting improvement plan prepared for the county. Makes a conforming change.

(e-1) Provides that a county is released from its duties under this article on the date DPS submits a report under Article 60.21(b)(2) stating that the county has attained an average disposition completeness percentage that is equal to or greater than 90 percent. Provides that, however, the county again becomes subject to the requirements of this article if its average disposition completeness percentage declines to a level that is less than 90 percent as reflected in the DPS report.

SECTION 2. Amends Article 60.14, Code of Criminal Procedure, as follows:

Art. 60.14. New heading: AWARD OF GRANT PROGRAM MONEY FOR CRIMINAL JUSTICE PROGRAMS. (a) Creates this subsection from existing text. Requires that an agency of the state, before making a grant award to a county from any federal or state criminal justice grant program, to require that county to certify, before the distribution of any money from the program, that the county's average disposition completeness percentage, including individualized determinations for both juvenile and adult dispositions, is equal to or greater than 90 percent as determined by DPS.

Deletes existing text requiring an agency of the state, before allocating money to a county from any federal or state grant program for the enhancement of criminal justice programs, to certify that the county has taken or will take, using all or part of the allocated funds, all action necessary to provide the Texas Department of Criminal Justice and DPS any criminal history records maintained by the county in the manner specified for purposes of these departments.

(b) Defines, in this article, "disposition completeness percentage."

SECTION 3. Amends Article 60.21(b), Code of Criminal Procedure, to require DPS to annually submit to the Legislative Budget Board, the governor, the lieutenant governor, the speaker of the house of representatives, the state auditor, and the standing committees in the senate and house of representatives that have primary jurisdiction over criminal justice and DPS a report regarding the level of reporting by local jurisdictions, and makes no further changes to this section.

SECTION 4. Repealer: Article 60.10(g) (relating to the expiration of this article on September 1, 2013), Code of Criminal Procedure.

SECTION 5. Effective date: upon passage or September 1, 2013.