

BILL ANALYSIS

Senate Research Center

H.B. 3106
By: Goldman et al. (Huffman)
Criminal Justice
5/6/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3106 amends current law relating to a requirement that law enforcement agencies enter into certain databases information related to investigations of sexual assault or other sex offenses.

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. Requires this Act to be known as Molly Jane's Law.

SECTION 2. Amends Subchapter B, Chapter 420, Government Code, by adding Sections 420.035 and 420.036, as follows:

Sec. 420.035. DUTY TO ENTER INVESTIGATION INFORMATION INTO INTELLIGENCE DATABASE. (a) Defines "database," for purposes of this section, as the Texas Data Exchange or a successor comprehensive intelligence database (TDEX database).

(b) Requires a law enforcement agency that identifies a person as a suspect in the investigation of a sexual assault or other sex offense, regardless of how the person is identified, to enter into the TDEX database information regarding the agency's investigation of that person. Requires the information entered to include information:

(1) specifying the suspect's name and date of birth, the sex offense being investigated, and the law enforcement agency investigating the offense; and

(2) describing the manner in which the offense was committed, including the manner in which the suspect physically injured each victim, if applicable.

(c) Requires a law enforcement agency described by Subsection (b) to remove the information from the TDEX database on the earliest of the following dates:

(1) the date the agency no longer considers the person a suspect in the relevant investigation;

(2) the date the person is charged with the offense being investigated or a similar offense; or

(3) the fifth anniversary of the date the information was entered into the TDEX database.

(d) Authorizes the Department of Public Safety of the State of Texas to, as necessary, remove from the TDEX database any information entered under this section.

(e) Provides that information entered into the TDEX database under this section is excepted from required disclosure under Chapter 552 (Public Information) in the manner provided by Section 552.108 (Exception: Certain Law Enforcement, Corrections, and Prosecutorial Information).

Sec. 420.036. DUTY TO ENTER CERTAIN INFORMATION INTO VIOLENT CRIMINAL APPREHENSION PROGRAM DATABASE. (a) Defines "database," for purposes of this section, as the national database of the Violent Criminal Apprehension Program established and maintained by the Federal Bureau of Investigation (FBI), or a successor database (ViCAP database).

(b) Requires each law enforcement agency in this state to request access from the FBI to enter information into the ViCAP database.

(c) Requires a law enforcement agency that investigates a sexual assault or other sex offense to enter into the ViCAP database the following information regarding the investigation of the sexual assault or other sex offense, as available:

(1) the suspect's name and date of birth;

(2) the specific offense being investigated;

(3) a description of the manner in which the offense was committed, including any pattern of conduct occurring during the course of multiple offenses suspected to have been committed by the suspect; and

(4) any other information required by the FBI for inclusion in the ViCAP database.

(d) Provides that information entered into the ViCAP database under this section is excepted from required disclosure under Chapter 552 in the manner provided by Section 552.108.

SECTION 3. Provides that Sections 420.035 and 420.036, Government Code, as added by this Act, apply only to a pending investigation of a sexual assault or other sex offense, regardless of whether the investigation was commenced before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2019.