

By: Carona

S. B. No. 418

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring law enforcement agencies to compile and
3 maintain certain information in a criminal street gang intelligence
4 database.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 61.02, Code of Criminal Procedure, is
7 amended by amending Subsections (a) and (b) and adding Subsection
8 (b-1) to read as follows:

15 (b) A law enforcement agency shall [may] compile and
16 maintain in a local or regional intelligence database criminal
17 information relating to a criminal street gang as provided by
18 Subsection (a). The information must be compiled and maintained
19 [in a local or regional intelligence database only if the agency
20 compiles and maintains the information] in accordance with the
21 criminal intelligence systems operating policies established under
22 28 C.F.R. Section 23.1 et seq. and the submission criteria
23 established under Subsection (c).

24 (b-1) Information described by this article may be compiled

1 on paper, by computer, or in any other useful manner by a criminal
2 justice agency or law enforcement agency.

3 SECTION 2. Articles 61.03(a) and (c), Code of Criminal
4 Procedure, are amended to read as follows:

5 (a) A criminal justice agency [~~that maintains criminal~~
6 ~~information under this chapter~~] may release on request [~~the~~]
7 information maintained under this chapter [~~on request~~] to:

8 (1) another criminal justice agency;

9 (2) a court; or

10 (3) a defendant in a criminal proceeding who is
11 entitled to the discovery of the information under Chapter 39.

12 (c) A [~~If a~~] local law enforcement agency [~~compiles and~~
13 ~~maintains information under this chapter relating to a criminal~~
14 ~~street gang, the agency~~] shall send to the department [~~the~~]
15 information compiled and maintained under this chapter [~~to the~~
16 ~~department~~].

17 SECTION 3. Articles 61.04(b) and (d), Code of Criminal
18 Procedure, are amended to read as follows:

19 (b) A criminal justice agency [~~that maintains information~~
20 ~~under this chapter~~] may release [~~the~~] information maintained under
21 this chapter to an attorney representing a child who is a party to a
22 proceeding under Title 3, Family Code, if the juvenile court
23 determines the information:

24 (1) is material to the proceeding; and

25 (2) is not privileged under law.

26 (d) The [~~If a local law enforcement agency collects criminal~~
27 ~~information under this chapter relating to a criminal street gang,~~

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1 ~~the~~] governing body of a ~~the~~ county or municipality ~~served by the~~
2 ~~law enforcement agency~~] may adopt a policy to notify the parent or
3 guardian of a child of a local law enforcement ~~the~~ agency's
4 observations relating to the child's association with a criminal
5 street gang.

6 SECTION 4. This Act takes effect September 1, 2009.