

By: Carona

S.B. No. 418

A BILL TO BE ENTITLED

AN ACT

1  
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:

9 (a) Subject to Subsection (b), a criminal justice agency  
10 shall ~~[may]~~ compile criminal information into an intelligence  
11 database for the purpose of investigating or prosecuting the  
12 criminal activities of criminal combinations or criminal street  
13 gangs. ~~[The information may be compiled on paper, by computer, or~~  
14 ~~in any other useful manner.]~~

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,~~

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.