

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009

Date

Honorable David Dewhurst
President of the Senate

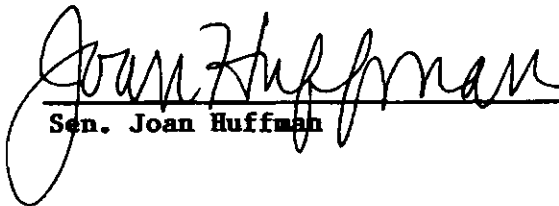
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 379 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Sen. John Carona



Sen. Joan Huffman

Sen. Dan Patrick



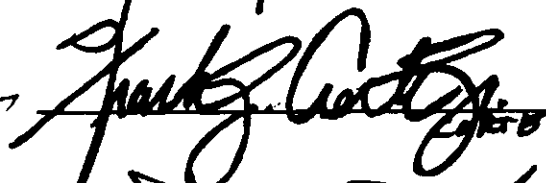
Sen. Eliot Shapleigh



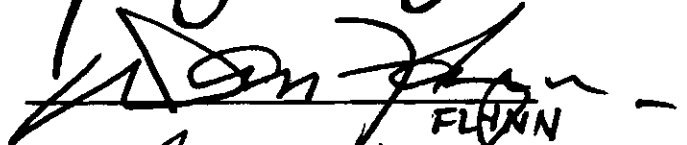
On the part of the Senate
Sen. John Whitmire



Guille



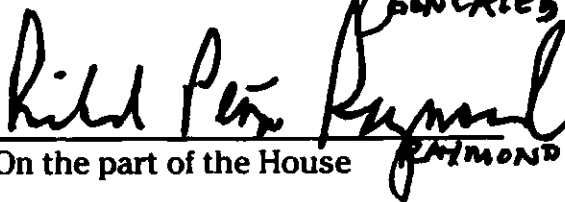
Crotts



Flynn



Boyd



On the part of the House
Raymond

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 379

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an annual report by the Texas Fusion Center regarding
3 criminal street gangs.

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

5 SECTION 1. Section 421.082, Government Code, is amended by
6 adding Subsections (e), (f), and (g) to read as follows:

7 (e) The gang section of the center shall annually submit to
8 the governor and the legislature a report assessing the threat
9 posed statewide by criminal street gangs. The report must include
10 identification of:

11 (1) law enforcement strategies that have been proven
12 effective in deterring gang-related crime; and

13 (2) gang involvement in trafficking of persons.

14 (f) On request, the office of the attorney general, the
15 Department of Public Safety, the Texas Department of Criminal
16 Justice, other law enforcement agencies, and juvenile justice
17 agencies of this state shall provide to the gang section of the
18 center information relating to criminal street gangs, gang-related
19 crime, and gang involvement in trafficking of persons.

20 (g) Any information received by the center under this
21 section that is stored, combined with other information, analyzed,
22 or disseminated is subject to the rules governing criminal
23 intelligence in 28 C.F.R. Part 23.

24 SECTION 2. The gang section of the Texas Fusion Center shall

1 submit the first annual report regarding criminal street gangs to
2 the governor and the legislature as required by Subsection (e),
3 Section 421.082, Government Code, as added by this Act, not later
4 than September 1, 2010.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2009.

Senate Bill 379
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Section 421.082, Government Code, is amended by adding Subsections (e), (f), and (g).

(e) Requires the Texas Fusion Center to annually submit to the governor and the legislature a report regarding criminal street gangs and gang-related crime. Requires the report to include: an evaluation of the threat that criminal street gangs and gang-related crime pose to communities in Texas that are at or near the international border between Texas and the United Mexican States; an evaluation of the threat that criminal street gangs and gang-related crime occurring at or near the border pose to other areas of Texas; an identification of any law enforcement strategies in Texas or another jurisdiction that have been effective in preventing the growth or proliferation of criminal street gangs or gang-related crime; and recommendations to prevent criminal street gangs from committing human trafficking offenses, reduce criminal street gang violence throughout Texas, prevent the growth or proliferation of criminal street gangs throughout Texas, and ensure that law enforcement personnel receive the necessary training and education to effectively deal with the problems created by criminal street gangs and gang-related crime.

HOUSE VERSION

SECTION 1. Section 421.082, Government Code, is amended by adding Subsections (e), (f), (g), and (h).

(e) Same as Senate version.

CONFERENCE

SECTION 1. Section 421.082, Government Code, is amended by adding Subsections (e), (f), and (g).

(For SECTION 1, the conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.)

(e) Requires *the gang section* of the Texas Fusion Center to annually submit to the governor and the legislature a report assessing the threat posed statewide by criminal street gangs and requires the report to include identification of law enforcement strategies that have been proven effective in deterring gang-related crime and gang involvement in trafficking of persons.

Senate Bill 379
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(f) Requires *a criminal justice or juvenile justice agency* of Texas, on request, to provide to the center information relating to criminal street gangs and gang-related crime.

(g) Prohibits the annual report regarding criminal street gangs and gang-related crime from containing any information that is considered sensitive intelligence information by the agency that provided the information or could jeopardize an ongoing investigation being conducted by the agency that provided the information.

No equivalent provision.

SECTION 2. Requires the Texas Fusion Center to submit the first annual report regarding criminal street gangs and gang-related crime to the governor and the legislature not later than September 1, 2010.

SECTION 3. Effective date.

HOUSE VERSION

(f) Same as Senate version.

(g) Same as Senate version.

(h) Provides that any information received by the center for purposes of carrying out the center's powers and duties prescribed by law that is stored, combined with other information, analyzed or disseminated is subject to the rules governing criminal intelligence under federal regulations.

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

CONFERENCE

(f) Requires *the office of the attorney general, the Department of Public Safety, the Texas Department of Criminal Justice, other law enforcement agencies, and juvenile justice agencies* of Texas, on request, to provide to *the gang section* of the center information relating to criminal street gangs, gang-related crime, *and gang involvement in trafficking of persons*.

No equivalent provision.

(g) Substantially the same as House version.

SECTION 2. Same as Senate version except requires the gang section to submit the required report.

SECTION 3. Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB379 by Carona (Relating to an annual report by the Texas Fusion Center regarding criminal street gangs.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require that the Texas Fusion Center (Center) submit an annual report detailing criminal street gangs, their threat to border communities and other areas of the state, and recommendations for actions that may be taken to prevent and reduce gang-related crime. The report may not contain sensitive intelligence or any information that may jeopardize an ongoing investigation. The bill would require that the Center submit the report to the governor and the legislature no later than September 1, 2010. The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house, and if it does not receive the vote necessary for immediate effect, the bill would take effect September 1, 2009.

The bill requires the gang section of the Texas Fusion Center to annually submit to the governor and the legislature a report assessing the threat posed statewide by criminal street gangs and requires the report to include identification of law enforcement strategies.

The Department of Public Safety (DPS) reports that the Bureau of Information Analysis (BIA) is presently compiling this information. The Center and the BIA are both housed at DPS; therefore the bill would pose no significant fiscal or operational impact to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, CL, GG, LG, MWU

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S. B. 379 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

KPA Guillet
(name)

5/30/09
(date)