




**MOLLY JANE'S LAW AND VICAP**

**FOR ALL TEXAS LAW ENFORCEMENT AGENCIES**

**VIOLENT CRIMINAL APPREHENSION PROGRAM**

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**Objectives**

At the end of this training, the student will be able to:

- Recognize the basics of HB 3106 and the Texas Requirements for Law Enforcement Agencies.
- Classify the difference in ViCAP reporting standards at the Federal Level vs Texas Requirements.
- Identify their agency's LEEP administrator or learn the steps to obtaining LEEP access through DPS, if the agency does not have an assigned LEEP administrator.
- Answer ViCAP Frequently Asked Questions

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**What is Molly Jane's Law?**

**HB 3106/ GC 420.036**

- May 29, 2019 - Texas Legislature passed [HB 3106](#) and was signed by Governor Greg Abbott
- September 1, 2019 - specifically states all Texas law enforcement agencies (LEAs) must enter their sexual assault cases that meet the criteria, into the Violent Criminal Apprehension Program (ViCAP) National Database.
- "this will enable law enforcement access to information on potential serial rapists and sexual offenders in the future, in hopes to never have again, a Molly Jane Matheson." - Gov. Abbott

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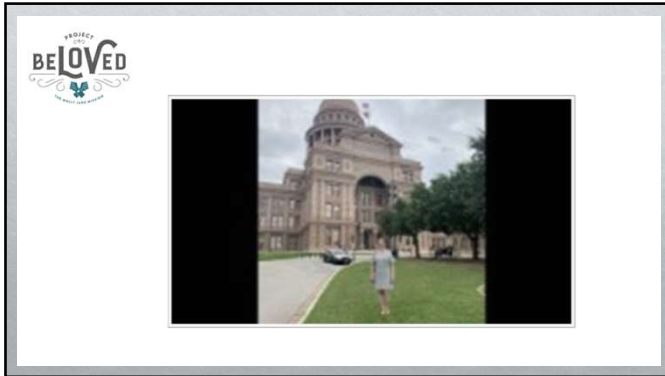
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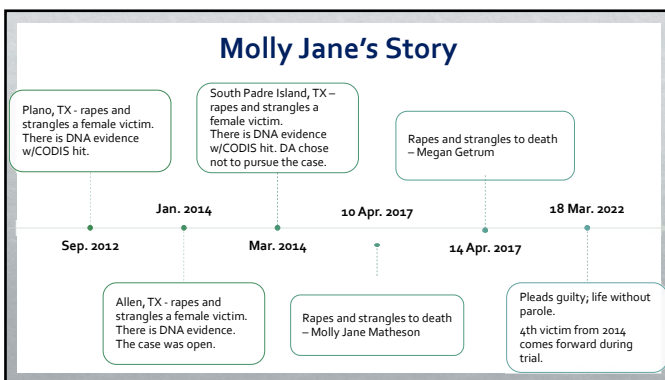
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### A Texas Success Story

- ❖ Arlington PD cleared a Sexual Assault case from September 2019 by entering specific information into VICAP database regarding a Sexual Assault of a female in a park at gunpoint.
- ❖ Sex Crimes Unit for Arlington PD put out specific information of what they were looking for pertaining to the offender's demographics and other specifics of the case.
- ❖ In May 2020, Tyler PD reached out to Arlington PD with information related to their incident.
- ❖ Tyler PD Investigators uncovered a video of a sexual assault during their narcotics investigation.
- ❖ Arlington Sex Crimes Detectives worked with Tyler PD Investigators and determined that the offender in the video was the same suspect who sexually assaulted the victim.

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## What is Molly Jane's Law?

HB 3106/ GC 420.036

- Each law enforcement agency in the state of Texas shall request access from the FBI to enter information into the ViCAP database.

- Any law enforcement agency that investigates sexual assaults or other sex offenses shall enter information regarding the investigation into the database.

- This also includes cold cases which agencies are required to enter.

For exact wording of the law, see [Government Code 420.036](#)

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## What is Molly Jane's Law?

HB 3106/ GC 420.036

- Sexual assaults are defined in Chapter 22 of the Texas Penal Code

- Other sex offenses are defined in Chapter 21 of the Texas Penal Code
  - Biological Evidence **is a requirement** for entering cases with "other sex offense" (Ch 21) Penal Codes into ViCAP under Molly Jane's Law.

*Note: It is **NOT** a requirement for entering Sexual Assaults(Ch 22) into ViCAP.*

- ❖ Agencies will need to review the Texas Penal Code for further determination of case entry requirements per Molly Jane's Law

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## Sexual Assault and Other Sex Offenses Texas Penal Code

### **\*Please Note\***

Indecent Assault (PC 22.012) is the exception under Chapter 22 of the Texas Penal Code and falls under

**Other Sex Offenses\* - Chapter 21 – which means**

**\*Biological Evidence is Required for ViCAP Entry\***

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## Sexual Assault and Other Sex Offenses Texas Penal Code

### Sexual Assault Offenses – Chapter 22

Sexual Assault (PC 22.011)      Aggravated Sexual Assault (PC 22.021)

### \*Other Sex Offenses\* - Chapter 21 - \*Biological Evidence is Required

Indecent Assault (PC 22.012)      Indecency with a Child (PC 21.11)  
Public Lewdness (PC 21.07)      Indecent Exposure (PC 21.08)  
Invasive Visual Recording (PC 21.15)  
Improper Relationship Educator/Student (PC 21.12)  
Continuous Sexual Abuse of Young Child or Disabled Individual (PC 21.02)

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## FBI ViCAP Reportable Incidents

<u>Sexual Assaults (solved/unsolved)</u>	known or suspected to be part of a series and/or committed by a stranger (this is an FBI requirement, NOT an HB 3106 requirement)
<u>Homicides &amp; Attempts (solved/unsolved)</u>	known or suspected to be part of a series and/or are apparently random, motiveless, or sexually oriented
<u>Missing Persons</u>	circumstances of foul play and victim is still missing
<u>Unidentified Human Remains</u>	death known/suspected to be homicide

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## What is Molly Jane's Law?

**HB 3106/ GC 420.036**

"While the provisions of HB 3106 only require sexual assaults and other sex offenses to be entered, it does not restrict entry of only these offenses. It encourages all agencies to utilize the full potential of the information sharing systems provided by state and federal law enforcement in order to serve the public safety of Texas."

- 2019 HB3106 Legislative Intent

Sent from Texas House of Representatives District 97 –  
Craig Goldman to DPS Director Steven McCraw

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## FBI ViCAP vs HB 3106 Data Entry Criteria



ViCAP sexual assaults



HB 3106 sexual assaults and other sex offenses

- Offenses that are known or suspected to be part of a series and/or single acts committed by a stranger

- Investigations of sexual assaults and other sex offenses.
- Other Sex offenses means any offenses in Chapter 21 of the Tx Penal Code, for which biological evidence is collected in an evidence collection kit.
- Agencies are required to enter their [active and pending cases \(to include cold cases\)](#) into ViCAP.

The FBI ViCAP team has allowed The State of Texas to use their database as the repository for offenses that meet this criteria.

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## HB 3106 Data Entry Criteria

When any of the following becomes known to Law Enforcement, it must be entered into ViCAP as soon as available

1. Suspect's Name and DOB
2. 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
4. Any other information required by the FBI for inclusion in the database.

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## Updated ViCAP Guidance for Texas Law Enforcement Agencies

Pursuant to Molly Jane's Law, all Texas sexual assault or other sex offense cases being investigated by a Texas Law Enforcement Officer in categories 1-6 (in the following slides) shall be entered into ViCAP.

- ❖ When an LEO opens a sexual assault/ other sex offense case, they shall enter the case into ViCAP.
- ❖ All historical sexual assault/other sex offense cases that may still be active, shall be entered into ViCAP according to the following tiering:

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## Updated ViCAP Guidance for Texas Law Enforcement Agencies

1. ViCAP criteria case, i.e., sexual assault, solved/unsolved that was committed by an unknown offender.
2. ViCAP criteria case, i.e., sexual assault, solved/unsolved that was committed by a stranger or known offender.
3. Non ViCAP criteria case, i.e., other sex offense, unsolved and subject to an active investigation, as defined by 420.003(3) GC, specifically those offenses listed where the offender penetrated the victim, and biological evidence has been collected in an evidence collection kit.

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## Updated ViCAP Guidance for Texas Law Enforcement Agencies

4. Non ViCAP criteria sex offense case, unsolved, and subject to an active investigation, as defined by 420.003(3) GC, specifically those offenses listed where the offender penetrated the victim.
5. Non ViCAP criteria sex offense case, unsolved and subject to an active investigation, as defined by 420.003(3) GC, specifically those offenses listed where biological evidence has been collected in an evidence collection kit.
6. Non ViCAP criteria sex offense case, unsolved and subject to an active investigation, as defined by 420.003(3) GC.

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## Updated ViCAP Guidance for Texas Law Enforcement Agencies

Before entry can be made, cases shall be:

- ❖ Assigned to an investigator, i.e., active investigation.
- ❖ Entered with all known data elements. Unknown values are valid; however, unknown should only be used when the investigator does not have information at the time of entry. Once the unknown value is known, agencies shall go back to ViCAP and update the information to reflect the most current and accurate information.

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### Do's and Don'ts of entering cases into ViCAP

- ❖ Entry should be made once the investigator has enough information from the victim about the offender and the circumstances of the offense to determine eligibility for entry into ViCAP.
- ❖ Do not enter cases where the victim is not participating in providing information necessary to facilitate entry.
- ❖ If an agency has determined a case to be unfounded, an entry into ViCAP shall not be made. If you determine after entry that the case is **unfounded**, you can request the FBI delete the case.
- ❖ **Do Not** delete cases that have the disposition of "not guilty" or dismissed for other reasons.

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### Do's and Don'ts of entering cases into ViCAP – Using Pseudonyms

- ❖ Code of Criminal Procedure 58.102
  - Victim may choose a pseudonym as a sex offense victim
- ❖ **ALWAYS** verify that the case has not been previously entered.
- ❖ When submitting cases to ViCAP, agencies must maintain consistency in the use of pseudonyms.
- ❖ First line of narrative **MUST** state:
  - "The victim's name for this case is a pseudonym."

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### Pseudonym Correct Formats for ViCAP

#### If using a fictitious name:

- ❖ First Name: Carla(pseudonym)
- ❖ Last Name: Williams(pseudonym)

#### If using Jane or John Doe:

- ❖ Agency Case Number: 23010888
- ❖ First Name: Jane(pseudonym)
- ❖ Last Name: Doe23010888

#### If using initials:

- ❖ Agency Case Number: 23010888
- ❖ First Name: M(pseudonym)
- ❖ Last Name: K23010888

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## How to Gain Access to ViCAP

- ❖ The individual will first need to obtain Law Enforcement Enterprise Portal (LEEP) access in order to gain access to ViCAP.
  - ❖ This is either done by contacting their agency LEEP administrator, or if none is assigned, by contacting DPS at LEEP@dps.texas.gov
- The link to search for an agency's LEEP administrator is: <https://www.dps.texas.gov/crs/leepadmins/>
- ❖ Once this is obtained, the individual will need to contact their agency's ViCAP manager (also known as a Law Enforcement Agency or LEA Manager) for access. The FBI ViCAP team will advise if your agency has an LEA Manager. If none is assigned, the FBI will work with you to obtain ViCAP access.

**Reminder: Access can only be granted to employees of agencies NOT volunteers!**

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## ViCAP LEA Manager Responsibilities

- ❖ Each LEA must designate an employee to serve as the LEA Manager.
- ❖ The LEA Manager is responsible for:
  - Establishing ViCAP user accounts
  - Certifying agency/user accounts each September
  - Serving as the liaison between ViCAP and their agency
  - Provide leadership, direction and feedback to all users
  - Develop and maintain contact with the FBI ViCAP team.
  - Notify the FBI ViCAP team when multiple cases appear to be related or may be the result of a serial offender.
  - Ensure the four different types of case entries are entered into the ViCAP database as needed.

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## Frequently Asked Questions

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## F.A.Q.s

**Question 1:** Do we enter Juvenile suspect cases?

**Answer: Yes.** Juvenile victim and suspects. If the incident meets the criteria, the agency can enter it into ViCAP.

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## F.A.Q.s

**Question 2:** Should I update my cases with current information?

**Answer: Yes,** you as the agency maintains ownership of the case, and you have the right to update case information as needed.

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## F.A.Q.s

**Question 3 :** What are agencies required to enter into ViCAP?

**Answer –**

1. All pending sexual assault cases regardless of whether the investigation was commenced before, on, or after the effective date of Molly Jane's law, September 1, 2019
2. Other sex offenses where biological evidence has been collected. It is important to note that agencies enter on the basis that biological evidence was collected. Agencies should not wait until testing on biological evidence is complete to enter, as this delay's entry of required data.
3. Agencies can enter other offenses that qualify for ViCAP but there is no requirement under Molly Jane's Law to do so.

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**F.A.Q.s**

**Question 4:** Do I need to delete unfounded incidents in the ViCAP database?

**Answer:** Yes, if you enter a case that eventually is determined to be unfounded, that case must be deleted from ViCAP, since the purpose of Molly Jane's Law is to capture information on offenders that have committed the actual offenses.

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**F.A.Q.s**

**Question 5 : True or False** - HB 3106 states that each LEA in the state shall request access from the FBI to enter information into the database (ViCAP). Does my agency have to register for ViCAP access if we do not investigate Sexual Assault cases?

**Answer:** Yes, HB 3106/GC 420.036 indicates that each Texas LEA **SHALL** request ViCAP access from the FBI. If the LEA does not investigate any sexual assault cases, then there is no requirement for that agency to enter any data into the database, however, if an agency does investigate a sexual assault case, then by HB3106 the agency must gain access to ViCAP and enter the details associated with that case.

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**F.A.Q.s**

**Question 6:** HB 3106 is effective as of 09/01/2019. Will an agency be able to enter all cases regardless of the status of that case, i.e., pending or closed into ViCAP?

**Answer:** Yes, agencies are required to enter their pending cases, to include cold cases into ViCAP. GC420.036 applies to only a pending investigation of sexual assault or other sex offenses, regardless of whether the investigation was commenced before, on, or after the date of 9/1/2019.

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## F.A.Q.s

**Question 7:** Does my new case submission get a second review for quality control?

**Answer:** Yes, each new case submission is reviewed by the analyst responsible for that state, and information entered is compared to the details provided in the narrative.

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## F.A.Q.s

**Question 8:** Where can I find more information about Molly Jane's Law?

**Answer:** To better understand Molly Jane's Law, please visit the Texas DPS website at [ViCAP - Violent Criminal Apprehension Program | Department of Public Safety \(texas.gov\)](https://www.txdps.gov/ViCAP-Violent-Criminal-Apprehension-Program-Department-of-Public-Safety-texas.gov). Questions related to Molly Jane's Law can be emailed to [ViCAP@dps.texas.gov](mailto:ViCAP@dps.texas.gov) or call one of the trainers at 512-424-2091.

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## Contact Information

- For training requests and questions regarding HB 3106 and TX requirements for ViCAP entry, contact [ViCAP@dps.texas.gov](mailto:ViCAP@dps.texas.gov).
- For questions regarding the ViCAP program and investigative assistance for cases meeting ViCAP requirements, contact [ViCAP@FBI.gov](mailto:ViCAP@FBI.gov).
- For LEEP access, contact DPS [LEEP@dps.texas.gov](mailto:LEEP@dps.texas.gov).



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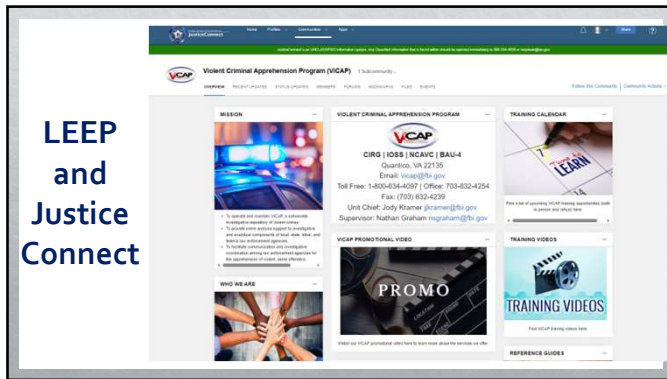
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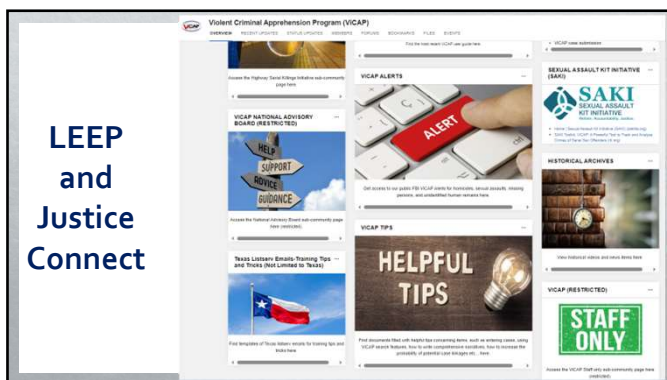
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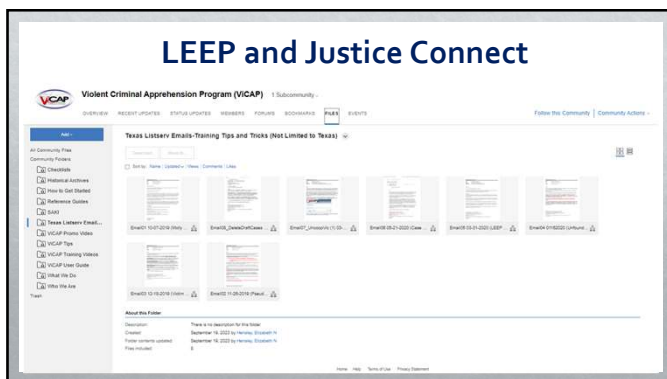
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## Resources

All links are posted on the DPS ViCAP page.

[http://www.dps.texas.gov/administration/crime\\_records/pages/vicapTrng.htm](http://www.dps.texas.gov/administration/crime_records/pages/vicapTrng.htm)

Letter of Intent

[http://www.dps.texas.gov/administration/crime\\_records/pages/hb3106LegIntent.pdf](http://www.dps.texas.gov/administration/crime_records/pages/hb3106LegIntent.pdf)

HB 3106 Verbiage

[http://www.dps.texas.gov/administration/crime\\_records/pages/HB3106.pdf](http://www.dps.texas.gov/administration/crime_records/pages/HB3106.pdf)

2023 Updated Guidance for Texas LEA's for Molly Jane's Law

[https://www.dps.texas.gov/sites/default/files/documents/administration/crime\\_records/pages/updatedguidance-mjl.pdf](https://www.dps.texas.gov/sites/default/files/documents/administration/crime_records/pages/updatedguidance-mjl.pdf)

DPS FAQ Page: Molly Jane's Law

[http://www.dps.texas.gov/administration/crime\\_records/pages/vicapFAQs.pdf](http://www.dps.texas.gov/administration/crime_records/pages/vicapFAQs.pdf)

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## Questions



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## Learning Check

Scenario #1: Your agency has a sexual assault case from October 1976, it is a pending investigation, but there have been no new leads since 1995. Do you need to enter it into ViCAP?

**YES** – There is no age limit to enter Cold Cases

Scenario #2: Your agency has a Continuous Sexual Abuse of a Child (PC 21.02) case from June 2019, it is an open investigation. Does it need to be entered into ViCAP?

Clarification: Is there biological evidence?

If **YES**: enter it into the ViCAP database.

If **NO**: Do not enter into ViCAP. The requirement is for "other sex offenses" to have Biological Evidence to be entered into ViCAP.

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### Learning Check

**True or False** - HB 3106 requires Texas LEA to enter Homicides (solved/unsolved), Missing Persons, Sexual Assaults (solved/unsolved), and Unidentified Human Remains into the ViCAP Database.

**Answer – False**, HB 3106 only requires the entry of Sexual Assaults and other sex offenses in which biological evidence has been collected in an evidence collection kit.

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### Learning Check

**True or False** - Sexual Assault case entry should be made once the investigator has enough information from the victim about the offender and the circumstances of the offense to determine eligibility for entry into ViCAP.

**TRUE**

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### Learning Check

**True or False** – My Agency does not need to register for ViCAP access because we do not investigate Sexual Assault cases

**Answer:**

**False**, you still must request for access to the ViCAP database.

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## Learning Check

**True or False** - Your agency does not need a LEEP account to enter cases into ViCAP.

**Answer:**

**False**, you must first establish an account with LEEP in order to gain access to the ViCAP database.

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## Learning Check

**True or False** - Each agency should have an employee designated as the agency Law Enforcement Agency Manager, who is responsible for certifying agency/user accounts each September.

**Answer: True**; the LEA Manager is responsible for all the duties as previously discussed, which includes certifying your accounts every September for the FBI.

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THANK  
YOU

Compliance and Training Bureau  
IBR Training Team

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**NIBRS & Other IBR Trainings**

- ◊ Crimes Against Persons
- ◊ Crimes Against Property
- ◊ Crimes Against Society
- ◊ Group B Offenses
- ◊ Hate Crime
- ◊ LEEP Overview
- ◊ Cargo Theft
- ◊ Use of Force Overview
- ◊ NIBRS Overview
- ◊ Texas Specific Reports
- ◊ Texas Specific Errors 'T' Errors
- ◊ N-DEx Overview & Audit
- ◊ NIBRS Errors and Warnings
- ◊ NIBRS Overview for ISD PDs

Email IBR Training at [IBR.Training@dps.texas.gov](mailto:IBR.Training@dps.texas.gov)

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**Uniform Crime Reporting**

**IBR Bureau**

**512-424-2091**

**[NIBRS@dps.texas.gov](mailto:NIBRS@dps.texas.gov)**

**[IBR.training@dps.texas.gov](mailto:IBR.training@dps.texas.gov)**

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