



TEXAS HOUSE OF REPRESENTATIVES
CRAIG GOLDMAN
DISTRICT 97

August 8, 2019

Colonel Steven McCraw
Director
Texas Department of Public Safety
5805 North Lamar Blvd
Austin, Texas 78752-4431

Dear Director McCraw,

When House Bill 3106 was signed into law by Governor Abbott, Molly Jane's Law created a requirement for law enforcement agencies to enter into a certain database information related to investigations of sexual assault or other sex offenses. The database that will be used to house this investigative data is the FBI's 'Violent Criminal Apprehension Program', also known as ViCAP. The intent of the legislation is to facilitate the enhanced sharing of investigative data in order to aid in the apprehension of perpetrators and to prevent serial occurrence of crimes committed by sexually violent predators. While the overall objective of the legislation is clear, questions have been raised over the intent and varying interpretations of two provisions within the bill. As the primary bill author, I wanted to assist agencies with the implementation process by clarifying the legislative intent of the subsections in question.

First, with regard to which law enforcement agencies must gain access to ViCAP, the legislative intent was to require those law enforcement agencies responsible for responding to, and investigating, sexual assault crimes to enter their investigative data associated with the case into ViCAP. ViCAP is intended to become the primary source for investigative material for all sexual assault and other sex offense investigations by law enforcement agencies across Texas. Under HB 3106 as enrolled Section 420.035 (b) was added to the Texas Government Code and indicates:

Each law enforcement agency in this state shall request access from the Federal Bureau of Investigation to enter information into the database.

However, if an agency does not routinely investigate these types of crimes, that agency does not need to gain access to ViCAP immediately. Nevertheless, **if** an agency finds itself in a situation where it will investigate a sexual assault or other sex offense, the agency must gain access to ViCAP and enter the investigative data associated with that case.



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Secondly, the definition of the term "other sex offense" in HB 3106 was not explicitly defined and the proper reference to a definition outlined in another section of statute was not provided. To be clear, the legislative intent of HB 3106 was to utilize Section 420.003(3), Texas Government Code, as adopted and enrolled with the passage of House Bill 8 by Representative Victoria Neave. The definition reads as follows:

"Sex offense" means an offense under Chapter 21, Penal Code, for which biological evidence is collected in an evidence collection kit.

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

In order to ensure a cohesive rollout of Molly Jane's Law, I ask for your assistance disseminating this letter to law enforcement agencies statewide.

Thank you for your continued service to the State of Texas. Should additional questions or concerns arise surrounding the intent of HB 3106, please contact me, or my Chief of Staff, Amanda Robertson, for additional assistance.

Respectfully yours,

A handwritten signature in black ink that reads "Craig Goldman".

Craig Goldman

cc: Mr. Skylor Hearn, Deputy Director, Texas Department of Public Safety