

By: Neave Criado

H.B. No. 5202

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a central database containing information about  
3 offenders who have committed certain violent offenses against  
4 intimate partners.

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

6 SECTION 1. Chapter 42, Code of Criminal Procedure, is  
7 amended by adding Article 42.0132 to read as follows:

8 Art. 42.0132. FINDING OF INTIMATE PARTNER VIOLENCE. In the  
9 trial of an offense under Title 5, Penal Code, that is punishable as  
10 a state jail felony or any higher category of offense, if the court  
11 determines that the offense was committed against a victim or  
12 intended victim who was the person's spouse, former spouse, or  
13 someone with whom the person has or had a dating relationship, the  
14 court shall make an affirmative finding of that fact and enter the  
15 affirmative finding in the judgment of the case.

16 SECTION 2. Section 411.088(b), Government Code, is amended  
17 to read as follows:

18 (b) The department may not charge for processing an  
19 electronic inquiry, made through the use of the Internet, for  
20 information described as public information under:

21 (1) Section 411.1355; or

22 (2) Article 62.005, Code of Criminal Procedure [~~made~~  
23 ~~through the use of the Internet~~].

24 SECTION 3. Section 411.135(a), Government Code, is amended

1 to read as follows:

2 (a) Any person is entitled to obtain from the department:

3 (1) any information described as public information  
4 under Chapter 62, Code of Criminal Procedure, including, to the  
5 extent available, a recent photograph of each person subject to  
6 registration under that chapter; ~~and~~

7 (2) criminal history record information maintained by  
8 the department that relates to the conviction of or a grant of  
9 deferred adjudication to a person for any criminal offense,  
10 including arrest information that relates to the conviction or  
11 grant of deferred adjudication; and

12 (3) any information described as public information  
13 under Section 411.1355.

14 SECTION 4. Subchapter F, Chapter 411, Government Code, is  
15 amended by adding Section 411.1355 to read as follows:

16 Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE  
17 COMMITTED CERTAIN VIOLENT OFFENSES AGAINST INTIMATE PARTNERS. (a)  
18 The department shall maintain a computerized central database  
19 containing information regarding persons who:

20 (1) on two or more occasions have been convicted of an  
21 offense for which an affirmative finding was made under Article  
22 42.0132, Code of Criminal Procedure; and

23 (2) were 17 years of age or older on the date at least  
24 two of the offenses described by Subdivision (1) were committed.

25 (b) The information contained in the database is public  
26 information, with the exception of any information:

27 (1) regarding the person's social security number,

1 driver's license number, or telephone number; or

2 (2) that would identify the victim of the offense.

3 (c) The database maintained by the department under this  
4 section must contain, to the extent the information is available to  
5 the department:

6 (1) the person's full name, each alias used by the  
7 person, and the person's date of birth;

8 (2) a physical description and recent photograph of  
9 the person;

10 (3) a list of offenses described by Subsection (a) of  
11 which the person was convicted, the date of conviction of each  
12 offense, and the punishment prescribed for each offense; and

13 (4) an indication as to whether the person was  
14 discharged, placed on community supervision, or released on parole  
15 or to mandatory supervision following conviction of each offense.

16 (d) The department shall permit a person whose name is  
17 included in the database established under this section to petition  
18 the department for removal of the person's name from the database,  
19 and the department shall remove the person's name from the database  
20 in response to the petition if:

21 (1) an order of expunction is issued under Chapter 55,  
22 Code of Criminal Procedure, with respect to one of the offenses  
23 described by Subsection (a), unless the person has been convicted  
24 three or more times of an offense described by that subsection; or

25 (2) during the seven-year period preceding the date of  
26 the petition, the person is not convicted of an offense described by  
27 Subsection (a).

1       (e) On the Internet website through which a person may  
2 search the database described by this section, the department shall  
3 include in a prominent location information regarding:

4           (1) the manner in which a person may petition the  
5 department for removal of a person's name from the database,  
6 including any forms required by the department for the petitions to  
7 be used for the purpose;

8           (2) the circumstances under which the department will  
9 grant a petition; and

10          (3) contact information for family violence  
11 organizations.

12       (f) The department shall consult with a representative of a  
13 statewide advocacy organization for issues related to family  
14 violence and victim safety regarding implementation of the database  
15 and the information required to be included on the database website  
16 under Subsection (e)(3).

17       SECTION 5. The central database required by Section  
18 411.1355, Government Code, as added by this Act, must be designed  
19 and implemented not later than January 1, 2024, and may only include  
20 information concerning persons convicted of at least one offense  
21 described by Subsection (a) of that section committed on or after  
22 the effective date of this Act. For purposes of this section, an  
23 offense was committed on or after the effective date of this Act if  
24 each element of the offense occurred on or after that date.

25       SECTION 6. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 5202

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2023.