

By: Riddle

H.B. No. 105

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a central database containing information about violent
3 offenders.

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

5 SECTION 1. Section 411.135(a), Government Code, is amended
6 to read as follows:

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

8 (1) any information described as public information
9 under Chapter 62, Code of Criminal Procedure, [~~as added by Chapter~~
10 ~~668, Acts of the 75th Legislature, Regular Session, 1997,~~]
11 including, to the extent available, a recent photograph of each
12 person subject to registration under that chapter; [~~and~~]

13 (2) criminal history record information maintained by
14 the department that relates to the conviction of or a grant of
15 deferred adjudication to a person for any criminal offense,
16 including arrest information that relates to the conviction or
17 grant of deferred adjudication; and

18 (3) any information described as public information
19 under Section 411.1355.

20 SECTION 2. Subchapter F, Chapter 411, Government Code, is
21 amended by adding Section 411.1355 to read as follows:

22 Sec. 411.1355. CENTRAL DATABASE OF VIOLENT OFFENDERS. (a)

23 In this section:

24 (1) "Internet domain name" has the meaning assigned by

1 Section 48.002, Business & Commerce Code, as added by Section 1,
2 Chapter 544, Acts of the 79th Legislature, Regular Session, 2005.

3 (2) "Local law enforcement authority" has the meaning
4 assigned by Article 62.001, Code of Criminal Procedure.

5 (3) "Web page" has the meaning assigned by Section
6 48.002, Business & Commerce Code, as added by Section 1, Chapter
7 554, Acts of the 79th Legislature, Regular Session, 2005.

8 (b) The department shall maintain a computerized central
9 database containing information regarding persons who:

10 (1) have been convicted of or received a grant of
11 deferred adjudication for an offense described by Section 3g,
12 Article 42.12, Code of Criminal Procedure; and

13 (2) in connection with the conviction or grant of
14 deferred adjudication, were subsequently discharged, paroled,
15 placed in a nonsecure community program for juvenile offenders, or
16 placed on juvenile probation, community supervision, or mandatory
17 supervision.

18 (c) The information contained in the database is public
19 information, with the exception of any information:

20 (1) regarding the person's social security number,
21 driver's license number, or telephone number; or

22 (2) that would identify the victim of the offense for
23 which the person was convicted or received a grant of deferred
24 adjudication.

25 (d) The department, in cooperation with the Board of Pardons
26 and Paroles, the Texas Department of Criminal Justice, The Texas
27 Youth Commission, the Texas Juvenile Probation Commission, and the

1 Commission on Jail Standards, shall by rule design and implement a
2 system for the registration of persons described by Subsection (b).
3 The system must establish requirements and procedures for:

4 (1) an offender to be notified, before the offender's
5 release, of the offender's duty to register with a local law
6 enforcement authority;

7 (2) the offender to register with a local law
8 enforcement authority:

9 (A) annually;

10 (B) every 90 days if the offender is determined
11 by the department to be high risk because of the offender's status
12 as a repeat offender or because of the violent nature of the offense
13 charged; or

14 (C) every 30 days if the offender does not have a
15 permanent address;

16 (3) the offender to register with a local law
17 enforcement authority not later than five days after the date the
18 offender changes address;

19 (4) an offender who operates an online business to:

20 (A) disclose the name, Internet domain name, and
21 web page of the business, if applicable, to the local law
22 enforcement authority with whom the offender registers; and

23 (B) notify the local law enforcement authority
24 not later than five days after the date the name, Internet domain
25 name, or web page of the business changes;

26 (5) the offender to request and be granted an
27 exclusion from the database;

1 (6) the database to track whether an offender is in
2 compliance with registration requirements and, if an offender is
3 not in compliance, to make that information available to a person
4 who requests the information;

5 (7) a local law enforcement agency to promptly forward
6 registration information to the department for use in the database;
7 and

8 (8) the department to update the database daily.

9 (e) This section does not apply to a person about whom
10 information is included in the database maintained under Article
11 62.005, Code of Criminal Procedure. Procedures relating to the
12 dissemination of information about those persons and registration
13 requirements for those persons are as provided by Chapter 62, Code
14 of Criminal Procedure, and by Section 411.135.

15 SECTION 3. The central database required by Section
16 411.1355, Government Code, as added by this Act, must be designed
17 and implemented not later than March 1, 2008.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2007.