

By: Castro

H.B. No. 3958

Substitute the following for H.B. No. 3958:

By: Madden

C.S.H.B. No. 3958

A BILL TO BE ENTITLED

1

AN ACT

2 relating to a central database containing information about certain
3 offenders who have committed offenses involving family or dating
4 violence.

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

6 SECTION 1. Section 411.088(b), Government Code, is amended
7 to read as follows:

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

11 (1) Section 411.1355; or

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

14 SECTION 2. Section 411.135(a), Government Code, is amended
15 to read as follows:

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

17 (1) any information described as public information
18 under Chapter 62, Code of Criminal Procedure, [~~as added by Chapter~~
19 ~~668, Acts of the 75th Legislature, Regular Session, 1997,~~]
20 including, to the extent available, a recent photograph of each
21 person subject to registration under that chapter; [~~and~~]

22 (2) criminal history record information maintained by
23 the department that relates to the conviction of or a grant of
24 deferred adjudication to a person for any criminal offense,

1 including arrest information that relates to the conviction or
2 grant of deferred adjudication; and

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

5 SECTION 3. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.1355 to read as follows:

7 Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE
8 COMMITTED OFFENSES INVOLVING FAMILY VIOLENCE. (a) The department
9 shall maintain a computerized central database containing
10 information regarding persons who on three or more occasions have
11 been convicted of an offense for which an affirmative finding of
12 family violence was made under Article 42.013, Code of Criminal
13 Procedure.

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

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

18 (2) that would identify the victim of the offense with
19 respect to which the affirmative finding was made.

20 (c) The database maintained by the department under this
21 section must contain, to the extent the information is available to
22 the department:

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

25 (2) the person's last known address;

26 (3) a physical description and recent photograph of
27 the person;

1 (4) a list of offenses for which the person was
2 convicted and the court made an affirmative finding of family
3 violence, the date of conviction for each offense, and the
4 punishment prescribed for each offense; and

5 (5) an indication as to whether the person was
6 discharged, placed on juvenile probation or community supervision,
7 or released on parole or to mandatory supervision following the
8 conviction for each offense.

9 (d) The department shall permit a person whose name is
10 included in the database established under this section to petition
11 the department for removal of the person's name from the database,
12 and the department shall remove the person's name from the database
13 in response to the petition if:

14 (1) an order of expunction is issued under Chapter 55,
15 Code of Criminal Procedure, with respect to one of the offenses
16 described by Subsection (a), unless the person has three or more
17 additional convictions for an offense described by that subsection;
18 or

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

22 (e) On the website through which a person may search the
23 database described by this section, the department shall include
24 information regarding:

25 (1) the manner in which a person may petition the
26 department for removal of the person's name from the database; and

27 (2) the circumstances under which the department will

1 grant the petition.

2 SECTION 4. The central database required by Section
3 411.1355, Government Code, as added by this Act, must be designed
4 and implemented not later than January 1, 2008, and may include
5 information only on persons convicted of at least one offense
6 committed on or after the effective date of this Act for which an
7 affirmative finding of family violence is made under Article
8 42.013, Code of Criminal Procedure. For purposes of this section,
9 an offense was committed before the effective date of this Act if
10 any element of the offense was committed before that date.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.