

By: Castro

H.B. No. 3958

A BILL TO BE ENTITLED

AN ACT

1  
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 or received a grant of deferred adjudication for  
12 an offense for which an affirmative finding of family violence was  
13 made under Article 42.013, Code of Criminal 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           SECTION 4. The central database required by Section  
10 411.1355, Government Code, as added by this Act, must be designed  
11 and implemented not later than January 1, 2008.

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