

BILL ANALYSIS

C.S.H.B. 314
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Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Everyday in Texas, 70 people are injured or killed in alcohol-related accidents. Every five hours in Texas, someone is killed in an alcohol-related car accident. Local and state law enforcement agencies are aware of these statistics and are looking to citizens to help stop these numbers from increasing.

By equipping our communities with easier access to public information, citizens will be able to make more informed decisions regarding who to trust on the road. Furthermore, by equipping law enforcement with more tools to identify drunk driving, it will become easier to remove these individuals from the road.

C.S.H.B. 314 requires the Department of Public Safety to design and implement an Internet website to allow any person to search for and receive criminal history record information related to certain intoxication offenses of persons previously convicted of one of those offenses, and establishes a procedure by which a peace officer on request is automatically provided the criminal history record information concerning the enumerated intoxication offenses about the person to whom a driver's license, personal identification certificate, or license plate is issued.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 314 amends the Government Code to include in the public information, which any person is entitled to obtain from the Department of Public Safety (DPS), criminal history record information that concerns a person's conviction for a driving while intoxicated offense, driving while intoxicated with a child passenger offense, flying while intoxicated offense, boating while intoxicated offense, assembling or operating an amusement ride while intoxicated offense, intoxication assault offense, or an intoxication manslaughter offense, if the person has been previously convicted of any such offense.

C.S.H.B. 314 requires DPS to design and implement an Internet website to allow any person, free of charge, to electronically search for and receive such criminal history information by entering specific search criteria into the website, including a zip code, city, county, or name of a person. The bill requires the search results to include the municipality in which the last known address of the person convicted is located and a recent photograph of the person convicted taken attendant to the person's arrest. The bill prohibits the search results from including any information regarding the convicted person's social security number, driver's license number, or telephone number; any information that would identify a victim of the offense; or any information regarding a person if 15 years have elapsed since the date the person committed the most recent of those enumerated offenses for which the person was convicted.

C.S.H.B. 314 requires DPS to establish a procedure by which a peace officer or employee of a law enforcement agency who provides DPS with a driver's license number, personal identification certificate number, or license plate number is automatically provided information as to whether DPS has criminal history record information concerning the enumerated intoxication offenses about the person to whom the driver's license, personal identification certificate, or license plate is issued. The bill requires the procedure to allow a peace officer to request the information from the location of a motor vehicle stop and to receive a response to the request during the duration of a reasonable motor vehicle stop.

C.S.H.B. 314 requires DPS to make the criminal history record history information available not later than May 1, 2010.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 314 differs from the original, in the provision making criminal history record information that concerns a person's conviction for a certain intoxication offense available for public access, to make such information publicly available only if the person has been previously convicted of one of those intoxication offenses. The substitute differs from the original by adding the offenses of flying while intoxicated, boating while intoxicated, and assembling or operating an amusement ride while intoxicated to the offenses that subject a person's criminal history record information regarding the person's conviction for such an offense to public access and makes conforming changes to reflect the addition. The substitute removes a provision in the original exempting any personal information that would identify a convicted person or the victim of such an intoxication offense from being considered public information which any person is entitled to obtain from the Department of Public Safety (DPS). The substitute adds a provision not in the original prohibiting such personal identifying information, in addition to any information regarding a person if 15 years has elapsed since the date the person committed the most recent intoxication offense for which the person was convicted, from being included in the search results of DPS's website for criminal history record information concerning certain intoxication offenses. The substitute differs from the original by requiring the search results of the website to include the municipality in which the last known address of the person convicted is located and a recent photograph of the convicted person taken attendant to the person's arrest, rather than the actual last known address of the person and a recent photograph of the convicted person, if a photograph is available to DPS as in the original.