

BILL ANALYSIS

H.B. 4108
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Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Novelist Herbert Ward wrote, “Child abuse casts a shadow the length of a lifetime.” Abusive behavior toward a child leaves lingering psychological damage that victims endure their entire adult lives. Child abusers violate the trust and innocence of a child. It is essential that Texans have the tools to safeguard our children.

H.B. 4108 creates a web-accessible central database to be maintained by the Department of Public Safety containing information regarding persons who have been convicted of family violence or violence against a child who is younger than 17 years of age at the time of the offense. This resource will permit parents to check suspicious behavior relating to such types of offense against the database, empowering them to alert authorities to abusive and potentially dangerous behavior toward a child.

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

H.B. 4108 amends the Government Code to require the Department of Public Safety (DPS) to maintain a computerized central database containing information regarding persons who have been convicted of an offense for which an affirmative finding of family violence was made and of which the victim was a child of the family or household who was younger than 17 years of age at the time the offense was committed. The bill provides that the information contained in the database is public information, with the exception of any information regarding the person's social security number, driver's license number, or telephone number, or information that would identify the child who was the victim of the offense.

H.B. 4108 requires the database to contain, to the extent the information is available to DPS, the person's full name, each alias used by the person, and the person's date of birth; the person's last known address; a physical description and recent photograph of the person; a list of each conviction for an offense for which the person was included in the database, the date of the conviction and the punishment prescribed for each offense; and an indication as to whether the person was discharged, placed on juvenile probation or community supervision, or released on parole or to mandatory supervision following the conviction for each offense.

H.B. 4108 requires DPS to permit a person whose name is included in the database to petition DPS for removal of the person's name from the database. The bill requires DPS to remove the person's name from the database in response to the petition if an order of expunction is issued with respect to an offense for which the person was included in the database, unless the person has one or more other convictions for such an offense, or the person establishes that the person, at the time the petition is made, does not have as a member of the person's family or household, a child who is younger than 17 years of age. The bill requires DPS to include on the website

through which a person may search the database, information regarding the manner in which a person may petition DPS for removal of the person's name from the database and the circumstances under which DPS will grant the petition.

H.B. 4108 includes an electronic inquiry for information found in the database made through the use of the Internet in the inquiries for public information for which DPS is prohibited from charging a processing fee. The bill includes information in the database described as public information in the information any person is entitled to obtain from DPS.

H.B. 4108 requires the central database to be designed and implemented not later than January 1, 2010, and authorizes only conviction information with respect to offenses eligible to be included in the database that are committed on or after the effective date of the bill to be included in the database.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.