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H.B. No. 314

Substitute the following for H.B. No. 314:

By: Driver

C.S.H.B. No. 314

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the dissemination of criminal history record
3 information by the Department of Public Safety concerning certain
4 intoxication offenses.

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

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

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

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

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

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

21 SECTION 2. Subchapter F, Chapter 411, Government Code, is
22 amended by adding Sections 411.1355 and 411.1356 to read as
23 follows:

24 Sec. 411.1355. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES. (a)

2 Criminal history record information that concerns a person's
3 conviction for an offense under Section 49.04, 49.045, 49.05,
4 49.06, 49.065, 49.07, or 49.08, Penal Code, is public information
5 if the person has been previously convicted of an offense under one
6 of those sections.

7 (b) The department shall design and implement an Internet
8 website to allow any person, free of charge, to electronically
9 search for and receive information described by Subsection (a) by
10 entering specific search criteria into the website, including a zip
11 code, city, county, or name of a person. The search results:

12 (1) must include:

13 (A) the municipality in which the last known
14 address of the person convicted is located; and

15 (B) a recent photograph of the person convicted
16 taken attendant to the person's arrest; and

17 (2) may not include:

18 (A) any information regarding the convicted
19 person's social security number, driver's license number, or
20 telephone number;

21 (B) any information that would identify a victim
22 of the offense; or

23 (C) any information regarding a person if 15
24 years have elapsed since the date the person committed the most
25 recent offense for which the person was convicted under Section
26 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

27 Sec. 411.1356. CRIMINAL HISTORY RECORD INFORMATION

1 CONCERNING CERTAIN INTOXICATION OFFENSES PROVIDED TO PEACE OFFICER
2 ON REQUEST. The department shall establish a procedure by which a
3 peace officer or employee of a law enforcement agency who provides
4 the department with a driver's license number, personal
5 identification certificate number, or license plate number is
6 automatically provided information as to whether the department has
7 criminal history record information concerning an offense under
8 Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal
9 Code, about the person to whom the driver's license, personal
10 identification certificate, or license plate is issued. The
11 procedure must allow a peace officer to request the information
12 from the location of a motor vehicle stop and to receive a response
13 to the request during the duration of a reasonable motor vehicle
14 stop.

15 SECTION 3. Not later than May 1, 2010, the Department of
16 Public Safety shall make criminal history record information
17 available to a requesting person as required by Sections 411.1355
18 and 411.1356, Government Code, as added by this Act.

19 SECTION 4. This Act takes effect September 1, 2009.