

By: Raymond

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, 49.07, or
4 49.08, Penal Code, is public information, with the exception of:

5 (1) any information regarding the person's social
6 security number, driver's license number, or telephone number; and

7 (2) any information that would identify the victim of
8 the offense.

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

15 (1) the last known address of the person convicted;
16 and

17 (2) a recent photograph of the person convicted, if a
18 photograph is available to the department.

19 Sec. 411.1356. CRIMINAL HISTORY RECORD INFORMATION
20 CONCERNING CERTAIN INTOXICATION OFFENSES PROVIDED TO PEACE OFFICER
21 ON REQUEST. The department shall establish a procedure by which a
22 peace officer or employee of a law enforcement agency who provides
23 the department with a driver's license number, personal
24 identification certificate number, or license plate number is
25 automatically provided information as to whether the department has
26 criminal history record information concerning an offense under
27 Section 49.04, 49.045, 49.07, or 49.08, Penal Code, about the

1 person to whom the driver's license, personal identification
2 certificate, or license plate is issued. The procedure must allow a
3 peace officer to request the information from the location of a
4 motor vehicle stop and to receive a response to the request during
5 the duration of a reasonable motor vehicle stop.

6 SECTION 3. Not later than May 1, 2010, the Department of
7 Public Safety shall make available to a requesting person the
8 information required by Sections 411.1355 and 411.1356, Government
9 Code, as added by this Act.

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