

By: Hopson

H.B. No. 1260

A BILL TO BE ENTITLED

AN ACT

relating to a registration program for persons who commit certain intoxication offenses; providing criminal penalties.

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

SECTION 1. Title 1, Code of Criminal Procedure, is amended by adding Chapter 66 to read as follows:

CHAPTER 66. DWI OFFENDER REGISTRATION PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Art. 66.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public Safety.

(2) "DWI offender" means a person who has been convicted of, placed on deferred adjudication for, or adjudicated as having engaged in conduct that constitutes an offense for which a person is subject to registration under this chapter.

(3) "Extrajurisdictional registrant" means a person who:

(A) is required to register as a DWI offender under:

(i) the laws of another state with which the department has entered into a reciprocal registration agreement;

(ii) federal law or the Uniform Code of Military Justice; or

(iii) the laws of a foreign country; and

1 (B) is not otherwise required to register under
2 this chapter because:

3 (i) the person does not have a reportable
4 conviction for an offense under the laws of the other state, federal
5 law, the laws of the foreign country, or the Uniform Code of
6 Military Justice containing elements that are substantially
7 similar to the elements of an offense requiring registration under
8 this chapter; or

9 (ii) the person does not have a reportable
10 adjudication of delinquent conduct based on a violation of an
11 offense under the laws of the other state, federal law, or the laws
12 of the foreign country containing elements that are substantially
13 similar to the elements of an offense requiring registration under
14 this chapter.

15 (4) "Local law enforcement authority" means the chief
16 of police of a municipality or the sheriff of a county in this
17 state.

18 (5) "Penal institution" means:

19 (A) a confinement facility operated by or under a
20 contract with any division of the Texas Department of Criminal
21 Justice;

22 (B) a confinement facility operated by or under
23 contract with the Texas Youth Commission;

24 (C) a juvenile secure pre-adjudication or
25 post-adjudication facility operated by or under a local juvenile
26 probation department; or

27 (D) a county jail.

1 (6) "Released" means discharged, paroled, placed in a
2 nonsecure community program for juvenile offenders, or placed on
3 juvenile probation, community supervision, or mandatory
4 supervision.

5 (7) "Reportable conviction or adjudication" means a
6 conviction or adjudication, including an adjudication of
7 delinquent conduct or a deferred adjudication, that, regardless of
8 the pendency of an appeal, is a conviction for or an adjudication
9 for or based on:

10 (A) a violation of Section 49.04, 49.045, 49.05,
11 49.06, 49.065, 49.07, or 49.08, Penal Code; or

12 (B) a violation of the laws of another state,
13 federal law, the laws of a foreign country, or the Uniform Code of
14 Military Justice for or based on the violation of an offense
15 containing elements that are substantially similar to the elements
16 of an offense listed under Paragraph (A), but not if the violation
17 results in a deferred adjudication.

18 (8) "Residence" includes a residence established in
19 this state by a person described by Article 66.152(e).

20 Art. 66.002. APPLICABILITY OF CHAPTER. (a) This chapter
21 applies only to a reportable conviction or adjudication based on an
22 offense committed or conduct engaged in on or after January 1, 2010.

23 (b) Except as provided by Subsection (c), the duties imposed
24 on a person required to register under this chapter on the basis of
25 a reportable conviction or adjudication, and the corresponding
26 duties and powers of other entities in relation to the person
27 required to register on the basis of that conviction or

1 adjudication, are not affected by:

2 (1) an appeal of the conviction or adjudication; or

3 (2) a pardon of the conviction or adjudication.

4 (c) If a conviction or adjudication that is the basis of a
5 duty to register under this chapter is set aside on appeal by a
6 court or if the person required to register under this chapter on
7 the basis of a conviction or adjudication receives a pardon on the
8 basis of subsequent proof of innocence, the duties imposed on the
9 person by this chapter and the corresponding duties and powers of
10 other entities in relation to the person are terminated.

11 Art. 66.003. DETERMINATION REGARDING SUBSTANTIALLY SIMILAR
12 ELEMENTS OF OFFENSE. (a) For the purposes of this chapter, the
13 department is responsible for determining whether an offense under
14 the laws of another state, federal law, the laws of a foreign
15 country, or the Uniform Code of Military Justice contains elements
16 that are substantially similar to the elements of an offense under
17 the laws of this state.

18 (b) The department annually shall provide or make available
19 to each prosecuting attorney's office in this state:

20 (1) the criteria used in making a determination under
21 Subsection (a); and

22 (2) any existing record or compilation of offenses
23 under the laws of another state, federal law, the laws of a foreign
24 country, and the Uniform Code of Military Justice that the
25 department has already determined to contain elements that are
26 substantially similar to the elements of offenses under the laws of
27 this state.

1 (c) An appeal of a determination made under this article
2 shall be brought in a district court in Travis County.

3 Art. 66.004. DETERMINATION REGARDING PRIMARY REGISTRATION
4 AUTHORITY. (a) For each person subject to registration under this
5 chapter, the department shall determine which local law enforcement
6 authority serves as the person's primary registration authority
7 based on the municipality or county in which the person resides or,
8 as provided by Article 66.152, the municipality or county in which
9 the person works or attends school.

10 (b) The department shall notify each person subject to
11 registration under this chapter of the person's primary
12 registration authority in a timely manner.

13 Art. 66.005. CENTRAL DATABASE; PUBLIC INFORMATION.

14 (a) The department shall maintain a computerized central database
15 containing the information required for registration under this
16 chapter.

17 (b) The information contained in the database is public
18 information, with the exception of any information:

19 (1) regarding the person's social security number,
20 driver's license number, personal identification certificate
21 number, or telephone number;

22 (2) that is required by the department under Article
23 66.051(c)(8); or

24 (3) that would identify a child passenger in an
25 offense under Section 49.045, Penal Code, or the victim of an
26 offense under Section 49.07 or 49.08, Penal Code, for which the
27 person is subject to registration.

1 (c) Notwithstanding Chapter 730, Transportation Code, the
2 department shall maintain in the database, and shall post on any
3 department website related to the database, any photograph of the
4 person that is available through the process for obtaining or
5 renewing a personal identification certificate or driver's license
6 under Section 521.1031 or 521.2721, Transportation Code. The
7 department shall update the photograph in the database and on the
8 website annually or as the photograph otherwise becomes available
9 through the renewal process for the certificate or license.

10 (d) A local law enforcement authority shall release public
11 information described under Subsection (b) to any person who
12 requests the information from the authority. The authority may
13 charge the person a fee not to exceed the amount reasonably
14 necessary to cover the administrative costs associated with the
15 authority's release of information to the person under this
16 subsection.

17 (e) The department shall provide a licensing authority with
18 notice of any person required to register under this chapter who
19 holds or seeks a license that is issued by the authority. The
20 department shall provide the notice required by this subsection as
21 the applicable licensing information becomes available through the
22 person's registration or verification of registration.

23 (f) On the written request of a licensing authority that
24 identifies an individual and states that the individual is an
25 applicant for or a holder of a license issued by the licensing
26 authority, the department shall release any information described
27 by Subsection (a) to the licensing authority.

1 (g) For purposes of Subsections (e) and (f):

2 (1) "License" means a license, certificate,
3 registration, permit, or other authorization:

4 (A) that is issued by a licensing authority; and

5 (B) that a person must obtain to practice or
6 engage in a particular business, occupation, or profession.

7 (2) "Licensing authority" means a department,
8 commission, board, office, or other agency of this state or a
9 political subdivision of this state that issues a license.

10 Art. 66.006. INFORMATION PROVIDED TO PEACE OFFICER ON
11 REQUEST. The department shall establish a procedure by which a
12 peace officer or employee of a law enforcement agency who provides
13 the department with a driver's license number, personal
14 identification certificate number, or license plate number is
15 automatically provided information as to whether the person to whom
16 the driver's license or personal identification certificate is
17 issued is required to register under this chapter or whether the
18 license plate number is entered in the computerized central
19 database under Article 66.005 as assigned to a vehicle owned or
20 operated by a person required to register under this chapter.

21 Art. 66.007. GENERAL IMMUNITY. The following persons are
22 immune from liability for good faith conduct under this chapter:

23 (1) an employee or officer of the Texas Department of
24 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
25 Probation Commission, the Department of Public Safety, the Board of
26 Pardons and Paroles, or a local law enforcement authority;

27 (2) an employee or officer of a community supervision

1 and corrections department or a juvenile probation department; and

2 (3) a member of the judiciary.

3 Art. 66.008. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

4 (a) The department, a penal institution, or a local law enforcement
5 authority may release to the public information regarding a person
6 required to register under this chapter only if the information is
7 public information under this chapter.

8 (b) An individual, agency, entity, or authority is not
9 liable under Chapter 101, Civil Practice and Remedies Code, or any
10 other law for damages arising from conduct authorized by Subsection
11 (a).

12 (c) For purposes of determining liability, the release or
13 withholding of information by an appointed or elected officer of an
14 agency, entity, or authority is a discretionary act.

15 Art. 66.009. RULEMAKING AUTHORITY. The Texas Department of
16 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
17 Probation Commission, and the department may adopt any rule
18 necessary to implement this chapter.

19 [Sections 66.010-66.050 reserved for expansion]

20 SUBCHAPTER B. REGISTRATION AND VERIFICATION

21 REQUIREMENTS; RELATED NOTICE

22 Art. 66.051. REGISTRATION: GENERAL. (a) A person who has a
23 reportable conviction or adjudication or who is required to
24 register as a condition of release on parole, mandatory
25 supervision, or community supervision shall register or, if the
26 person is a person for whom registration is completed under this
27 chapter, verify registration as provided by Subsection (f), with

1 the local law enforcement authority in any municipality where the
2 person resides or intends to reside for more than seven days. If
3 the person does not reside or intend to reside in a municipality,
4 the person shall register or verify registration in any county
5 where the person resides or intends to reside for more than seven
6 days. The person shall satisfy the requirements of this subsection
7 not later than the later of:

8 (1) the seventh day after the person's arrival in the
9 municipality or county; or

10 (2) the first date the local law enforcement authority
11 of the municipality or county by policy allows the person to
12 register or verify registration, as applicable.

13 (b) The department shall provide the Texas Department of
14 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
15 Probation Commission, and each local law enforcement authority,
16 county jail, and court with a form for registering persons required
17 by this chapter to register.

18 (c) The registration form shall require:

19 (1) the person's full name, each alias, date of birth,
20 sex, race, height, weight, eye color, hair color, social security
21 number, driver's license number, and residence address;

22 (2) a recent color photograph or, if possible, an
23 electronic digital image of the person;

24 (3) the offense for which the person is required to
25 register, the date of the applicable conviction or adjudication,
26 and the punishment received;

27 (4) an indication as to whether the person is

1 discharged, paroled, or released on juvenile probation, community
2 supervision, or mandatory supervision;

3 (5) an indication of each license, as defined by
4 Article 66.005(g), that is held or sought by the person;

5 (6) an indication as to whether the person is or will
6 be employed, carrying on a vocation, or a student at a particular
7 educational facility in this state or another state, and the name
8 and address of that facility;

9 (7) the license plate number of any vehicle owned or
10 operated by the person; and

11 (8) any other information required by the department.

12 (d) The registration form must contain a statement and
13 description of any registration duties the person has or may have
14 under this chapter.

15 (e) Not later than the third day after a person registers
16 under this chapter, the local law enforcement authority with whom
17 the person registered shall send a copy of the registration form to
18 the department.

19 (f) A person for whom registration is completed under this
20 chapter shall report to the applicable local law enforcement
21 authority to verify the information in the registration form
22 received by the authority under this chapter. The authority shall
23 require the person to produce proof of the person's identity and
24 residence before the authority gives the registration form to the
25 person for verification. If the information in the registration
26 form is complete and accurate, the person shall verify registration
27 by signing the form. If the information is not complete or not

1 accurate, the person shall make any necessary additions or
2 corrections before signing the form.

3 (g) A person who is required to register or verify
4 registration under this chapter shall ensure that the person's
5 registration form is complete and accurate with respect to each
6 item of information required by the form in accordance with
7 Subsection (c).

8 (h) If a person subject to registration under this chapter
9 does not move to an intended residence by the end of the seventh day
10 after the date on which the person is released or the date on which
11 the person leaves a previous residence, the person shall:

12 (1) report to the juvenile probation officer,
13 community supervision and corrections department officer, or
14 parole officer supervising the person by not later than the seventh
15 day after the date on which the person is released or the date on
16 which the person leaves a previous residence, as applicable, and
17 provide the officer with the address of the person's temporary
18 residence; and

19 (2) continue to report to the person's supervising
20 officer not less than weekly during any period of time in which the
21 person has not moved to an intended residence and provide the
22 officer with the address of the person's temporary residence.

23 (i) If the other state has a registration requirement for
24 DWI offenders, a person who has a reportable conviction or
25 adjudication, who resides in this state, and who is employed,
26 carries on a vocation, or is a student in another state shall, not
27 later than the 10th day after the date on which the person begins to

1 work or attend school in the other state, register with the law
2 enforcement authority that is identified by the department as the
3 authority designated by that state to receive registration
4 information.

5 Art. 66.052. REGISTRATION: EXTRAJURISDICTIONAL
6 REGISTRANTS. (a) An extrajurisdictional registrant is required to
7 comply with the annual verification requirements of Article 66.056
8 in the same manner as a person who is required to verify
9 registration on the basis of a reportable conviction or
10 adjudication.

11 (b) The duty to register for an extrajurisdictional
12 registrant expires on the date the person's duty to register would
13 expire under the laws of the other state or foreign country had the
14 person remained in that state or foreign country, under federal
15 law, or under the Uniform Code of Military Justice, as applicable.

16 (c) The department may negotiate and enter into a reciprocal
17 registration agreement with any other state to prevent residents of
18 this state and residents of the other state from frustrating the
19 public purpose of the registration of DWI offenders by moving from
20 one state to the other.

21 Art. 66.053. PRERELEASE NOTIFICATION. (a) Before a person
22 who will be subject to registration under this chapter is released
23 from a penal institution, an official of the penal institution
24 shall:

25 (1) inform the person that:

26 (A) not later than the later of the seventh day
27 after the date on which the person is released or after the date on

1 which the person moves from a previous residence to a new residence
2 in this state or not later than the later of the first date the
3 applicable local law enforcement authority by policy allows the
4 person to register or verify registration, the person must register
5 or verify registration with the local law enforcement authority in
6 the municipality or county in which the person intends to reside;

7 (B) not later than the seventh day after the date
8 on which the person is released or the date on which the person
9 moves from a previous residence to a new residence in this state,
10 the person must, if the person has not moved to an intended
11 residence, report to the juvenile probation officer, community
12 supervision and corrections department officer, or parole officer
13 supervising the person;

14 (C) not later than the seventh day before the
15 date on which the person moves to a new residence in this state or
16 another state, the person must report in person to the local law
17 enforcement authority designated as the person's primary
18 registration authority by the department and to the juvenile
19 probation officer, community supervision and corrections
20 department officer, or parole officer supervising the person;

21 (D) not later than the 10th day after the date on
22 which the person arrives in another state in which the person
23 intends to reside, the person must register with the law
24 enforcement agency that is identified by the department as the
25 agency designated by that state to receive registration
26 information, if the other state has a registration requirement for
27 DWI offenders;

1 (E) not later than the 30th day after the date on
2 which the person is released, the person must apply to the
3 department in person for the issuance of an original or renewal
4 driver's license, if eligible for the license, or for an original or
5 renewal personal identification certificate, and a failure to apply
6 to the department as required by this paragraph results in the
7 automatic revocation of any driver's license not otherwise revoked
8 or any personal identification certificate issued by the department
9 to the person; and

10 (F) the person must notify appropriate entities
11 of any change in status as described by Article 66.055;

12 (2) require the person to sign a written statement
13 that the person was informed of the person's duties as described by
14 Subdivision (1) or Subsection (c) or, if the person refuses to sign
15 the statement, certify that the person was so informed;

16 (3) obtain the address where the person expects to
17 reside on the person's release and other registration information,
18 including a photograph; and

19 (4) complete the registration form for the person.

20 (b) On the seventh day before the date on which a person who
21 will be subject to registration under this chapter is due to be
22 released from a penal institution, or on receipt of notice by a
23 penal institution that a person who will be subject to registration
24 under this chapter is due to be released in less than seven days, an
25 official of the penal institution shall send the person's completed
26 registration form to the department and to:

27 (1) the applicable local law enforcement authority in

1 the municipality or county in which the person expects to reside, if
2 the person expects to reside in this state; or

3 (2) the law enforcement agency that is identified by
4 the department as the agency designated by another state to receive
5 registration information, if the person expects to reside in that
6 other state and that other state has a registration requirement for
7 DWI offenders.

8 (c) Before a person who will be subject to registration
9 under this chapter is due to be released from a penal institution in
10 this state, an official of the penal institution shall inform the
11 person that:

12 (1) if the person intends to reside in another state
13 and to work or attend school in this state, the person must, not
14 later than the later of the seventh day after the date on which the
15 person begins to work or attend school or the first date the
16 applicable local law enforcement authority by policy allows the
17 person to register or verify registration, register or verify
18 registration with the local law enforcement authority in the
19 municipality or county in which the person intends to work or attend
20 school; and

21 (2) if the person intends to reside in this state and
22 to work or attend school in another state and if the other state has
23 a registration requirement for DWI offenders, the person must, not
24 later than the 10th day after the date on which the person begins to
25 work or attend school in the other state, register with the law
26 enforcement authority that is identified by the department as the
27 authority designated by that state to receive registration

1 information.

2 Art. 66.054. CHANGE OF ADDRESS. (a) If a person required
3 to register under this chapter intends to change address,
4 regardless of whether the person intends to move to another state,
5 the person shall, not later than the seventh day before the intended
6 change, report in person to the local law enforcement authority
7 designated as the person's primary registration authority by the
8 department and to the juvenile probation officer, community
9 supervision and corrections department officer, or parole officer
10 supervising the person and provide the authority and the officer
11 with the person's anticipated move date and new address. If a
12 person required to register changes address, the person shall, not
13 later than the later of the seventh day after changing the address
14 or the first date the applicable local law enforcement authority by
15 policy allows the person to report, report in person to the local
16 law enforcement authority in the municipality or county in which
17 the person's new residence is located and provide the authority
18 with proof of identity and proof of residence.

19 (b) Not later than the third day after receipt of notice
20 under Subsection (a), the person's juvenile probation officer,
21 community supervision and corrections department officer, or
22 parole officer shall forward the information provided under
23 Subsection (a) to the local law enforcement authority designated as
24 the person's primary registration authority by the department and,
25 if the person intends to move to another municipality or county in
26 this state, to the applicable local law enforcement authority in
27 that municipality or county.

1 (c) If the person moves to another state that has a
2 registration requirement for DWI offenders, the person shall, not
3 later than the 10th day after the date on which the person arrives
4 in the other state, register with the law enforcement agency that is
5 identified by the department as the agency designated by that state
6 to receive registration information.

7 (d) Not later than the third day after receipt of
8 information under Subsection (a) or (b), whichever is earlier, the
9 local law enforcement authority shall forward this information to
10 the department and, if the person intends to move to another
11 municipality or county in this state, to the applicable local law
12 enforcement authority in that municipality or county.

13 (e) If a person who reports to a local law enforcement
14 authority under Subsection (a) does not move on or before the
15 anticipated move date or does not move to the new address provided
16 to the authority, the person shall:

17 (1) not later than the seventh day after the
18 anticipated move date, and not less than weekly after that seventh
19 day, report to the local law enforcement authority designated as
20 the person's primary registration authority by the department and
21 provide an explanation to the authority regarding any changes in
22 the anticipated move date and intended residence; and

23 (2) report to the juvenile probation officer,
24 community supervision and corrections department officer, or
25 parole officer supervising the person not less than weekly during
26 any period in which the person has not moved to an intended
27 residence.

1 (f) If the person moves to another municipality or county in
2 this state, the department shall inform the applicable local law
3 enforcement authority in the new area of the person's residence not
4 later than the third day after the date on which the department
5 receives information under Subsection (a).

6 (g) If the person moves to another state, the department
7 shall, immediately on receiving information under Subsection (d),
8 inform the agency that is designated by the other state to receive
9 registration information, if that state has a registration
10 requirement for DWI offenders.

11 Art. 66.055. STATUS REPORT BY SUPERVISING OFFICER OR LOCAL
12 LAW ENFORCEMENT AUTHORITY. (a) If the juvenile probation officer,
13 community supervision and corrections department officer, or
14 parole officer supervising a person subject to registration under
15 this chapter receives information to the effect that the person's
16 status has changed in any manner that affects proper supervision of
17 the person, including a change in the person's name, job or
18 educational status, incarceration, or terms of release, the
19 supervising officer shall promptly notify the appropriate local law
20 enforcement authority or authorities of that change. If the person
21 required to register intends to change address, the supervising
22 officer shall notify each local law enforcement authority specified
23 in Article 66.054(b). Not later than the seventh day after the date
24 the supervising officer receives the relevant information, the
25 supervising officer shall notify the local law enforcement
26 authority of any change in the person's job or educational status in
27 which the person:

1 (1) becomes employed, begins to carry on a vocation,
2 or becomes a student at a particular educational facility; or

3 (2) terminates the person's status in that capacity.

4 (b) Not later than the seventh day after the date of the
5 change, a person subject to registration under this chapter shall
6 report to the local law enforcement authority designated as the
7 person's primary registration authority by the department any
8 change in the person's name or job or educational status.

9 (c) For purposes of this section:

10 (1) a person's job status changes if the person leaves
11 employment for any reason, remains employed by an employer but
12 changes the location at which the person works, or begins
13 employment with a new employer;

14 (2) a change in a person's educational status includes
15 the person's transfer from one educational facility to another; and

16 (3) regarding a change of name, notice of the proposed
17 name provided to a local law enforcement authority as described by
18 Sections 45.004 and 45.103, Family Code, is sufficient, except that
19 the person shall promptly notify the authority of any denial of the
20 person's petition for a change of name.

21 (d) Not later than the seventh day after the date the local
22 law enforcement authority receives relevant information under this
23 section, the local law enforcement authority shall notify the
24 department of any change in the person's name or job or educational
25 status.

26 Art. 66.056. LAW ENFORCEMENT VERIFICATION OF REGISTRATION
27 INFORMATION. (a) A person subject to registration under this

1 chapter shall report to the local law enforcement authority
2 designated as the person's primary registration authority by the
3 department once each year not earlier than the 30th day before and
4 not later than the 30th day after the anniversary of the person's
5 date of birth to verify the information in the registration form
6 maintained by the authority for that person.

7 (b) A local law enforcement authority designated as a
8 person's primary registration authority by the department may
9 direct the person to report to the authority to verify the
10 information in the registration form maintained by the authority
11 for that person. The authority may direct the person to report
12 under this subsection once in each year not earlier than the 30th
13 day before and not later than the 30th day after the anniversary of
14 the person's date of birth. A local law enforcement authority may
15 not direct a person to report to the authority under this subsection
16 if the person is in compliance with the reporting requirements of
17 Subsection (a).

18 (c) A local law enforcement authority with whom a person
19 reports under this article shall require the person to produce
20 proof of the person's identity and residence before the authority
21 gives the registration form to the person for verification. If the
22 information in the registration form is complete and accurate, the
23 person shall verify registration by signing the form. If the
24 information is not complete or not accurate, the person shall make
25 any necessary additions or corrections before signing the form.

26 (d) A local law enforcement authority designated as a
27 person's primary registration authority by the department may at

1 any time mail a nonforwardable verification form to the last
2 reported residence address of the person. Not later than the 21st
3 day after receipt of a verification form under this subsection, the
4 person shall:

5 (1) indicate on the form whether the person still
6 resides at the last reported residence address and, if not, provide
7 on the form the person's new residence address;

8 (2) complete any other information required by the
9 form;

10 (3) sign the form; and

11 (4) return the form to the authority.

12 Art. 66.057. REQUIREMENTS RELATING TO DRIVER'S LICENSE OR
13 PERSONAL IDENTIFICATION CERTIFICATE. (a) A person subject to
14 registration under this chapter shall apply to the department in
15 person for the issuance of, as applicable, an original or renewal
16 driver's license under Section 521.2721, Transportation Code, an
17 original or renewal commercial driver's license or commercial
18 driver learner's permit under Section 522.0331, Transportation
19 Code, or an original or renewal personal identification certificate
20 under Section 521.1031, Transportation Code, not later than the
21 30th day after the date:

22 (1) the person is released from a penal institution or
23 is released by a court on community supervision or juvenile
24 probation; or

25 (2) the department sends written notice to the person
26 of the requirements of this article.

27 (b) The person shall annually renew in person each driver's

1 license or personal identification certificate issued by the
2 department to the person, including each renewal, duplicate, or
3 corrected license or certificate, until the person's duty to
4 register under this chapter expires.

5 Art. 66.058. LIMITATION ON NEWSPAPER PUBLICATION. A local
6 law enforcement authority may not publish notice in a newspaper or
7 other periodical or circular concerning a person's registration
8 under this chapter if the only basis on which the person is subject
9 to registration is one or more adjudications of delinquent conduct.

10 [Articles 66.059-66.100 reserved for expansion]

11 SUBCHAPTER C. EXPIRATION OF DUTY TO REGISTER; GENERAL PENALTIES
12 FOR NONCOMPLIANCE

13 Art. 66.101. EXPIRATION OF DUTY TO REGISTER. (a) The duty
14 to register for a person who has one reportable conviction or
15 adjudication expires on the second anniversary of the date on
16 which:

17 (1) the court dismisses the criminal proceedings
18 against the person and discharges the person, the person is
19 released from a penal institution, or the person discharges
20 community supervision, whichever date is later, if the person's
21 duty to register is based on a conviction or an order of deferred
22 adjudication; or

23 (2) the disposition is made or the person completes
24 the terms of the disposition, whichever date is later, if the
25 person's duty to register is based on an adjudication of delinquent
26 conduct.

27 (b) The duty to register for a person who has two reportable

1 convictions or adjudications expires on the fifth anniversary of
2 the date described by Subsection (a)(1) or (2) with respect to the
3 most recent reportable conviction or adjudication, as applicable.

4 (c) The duty to register for a person who has three
5 reportable convictions or adjudications expires on the 10th
6 anniversary of the date described by Subsection (a)(1) or (2) with
7 respect to the most recent reportable conviction or adjudication,
8 as applicable.

9 (d) The duty to register for a person who has four or more
10 reportable convictions or adjudications expires when the person
11 dies.

12 Art. 66.102. FAILURE TO COMPLY WITH REGISTRATION
13 REQUIREMENTS. (a) A person commits an offense if the person is
14 required to register under this chapter and fails to comply with any
15 requirement of this chapter that applies to the person.

16 (b) An offense under this article is the same grade of
17 offense as the offense that serves as the basis for the person's
18 most recent reportable conviction or adjudication.

19 [Articles 66.103-66.150 reserved for expansion]

20 SUBCHAPTER D. PROVISIONS APPLICABLE TO CERTAIN WORKERS AND
21 STUDENTS

22 Art. 66.151. DEFINITIONS. For purposes of this subchapter,
23 a person:

24 (1) is employed or carries on a vocation if the person
25 works or volunteers on a full-time or part-time basis for a
26 consecutive period exceeding 14 days or for an aggregate period
27 exceeding 30 days in a calendar year;

1 (2) works regardless of whether the person works for
2 compensation or for governmental or educational benefit; and

3 (3) is a student if the person enrolls on a full-time
4 or part-time basis in any educational facility, including:

5 (A) a public or private primary or secondary
6 school, including a high school or alternative learning center; or

7 (B) a public or private institution of higher
8 education.

9 Art. 66.152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.

10 (a) A person is subject to this subchapter and, except as
11 otherwise provided by this article, to the other subchapters of
12 this chapter if the person:

13 (1) has a reportable conviction or adjudication;

14 (2) resides in another state; and

15 (3) is employed, carries on a vocation, or is a student
16 in this state.

17 (b) A person described by Subsection (a) is subject to the
18 registration and verification requirements of Articles 66.051 and
19 66.056 and to the change of address requirements of Article 66.054,
20 except that the registration and verification and the reporting of
21 a change of address are based on the municipality or county in which
22 the person works or attends school.

23 (c) A person described by Subsection (a) is not subject to
24 Article 66.101.

25 (d) The duty to register for a person described by
26 Subsection (a) ends when the person no longer works or studies in
27 this state, provides notice of that fact to the local law

1 enforcement authority in the municipality or county in which the
2 person works or attends school, and receives notice of verification
3 of that fact from the authority. The authority must verify that the
4 person no longer works or studies in this state and must provide to
5 the person notice of that verification within a reasonable time.

6 (e) Notwithstanding Subsection (a), this article does not
7 apply to a person who has a reportable conviction or adjudication,
8 who resides in another state, and who is employed, carries on a
9 vocation, or is a student in this state if the person establishes
10 another residence in this state to work or attend school in this
11 state. However, that person remains subject to the other articles
12 of this chapter based on that person's residence in this state.

13 [Articles 66.153-66.200 reserved for expansion]

14 SUBCHAPTER E. REMOVAL OF REGISTRATION INFORMATION

15 Art. 66.201. REMOVING REGISTRATION INFORMATION WHEN DUTY TO
16 REGISTER EXPIRES. (a) When a person is no longer required to
17 register under this chapter, the department shall remove all
18 information about the person from the DWI offender registry.

19 (b) The duty to remove information under Subsection (a)
20 arises if:

21 (1) the department has received notice from a local
22 law enforcement authority under Subsection (c) or (d) that the
23 person is no longer required to register or will no longer be
24 required to renew registration and the department verifies the
25 correctness of that information;

26 (2) the court having jurisdiction over the case for
27 which registration is required requests removal and the department

1 determines that the duty to register has expired; or

2 (3) the person or the person's representative requests
3 removal and the department determines that the duty to register has
4 expired.

5 (c) When a person required to register under this chapter
6 appears before a local law enforcement authority to renew or modify
7 registration information, the authority shall determine whether
8 the duty to register has expired. If the authority determines that
9 the duty to register has expired, the authority shall remove all
10 information about the person from the DWI offender registry and
11 notify the department that the person's duty to register has
12 expired.

13 (d) When a person required to register under this chapter
14 appears before a local law enforcement authority to renew
15 registration information, the authority shall determine whether
16 the renewal is the final annual renewal of registration required by
17 law. If the authority determines that the person's duty to register
18 will expire before the next annual renewal is scheduled, the
19 authority shall automatically remove all information about the
20 person from the DWI offender registry on expiration of the duty to
21 register and notify the department that the information about the
22 person has been removed from the registry.

23 (e) When the department has removed information under
24 Subsection (a), the department shall notify all local law
25 enforcement authorities that have provided registration
26 information to the department about the person of the removal. A
27 local law enforcement authority that receives notice from the

1 department under this subsection shall remove all registration
2 information about the person from its registry.

3 (f) When the department has removed information under
4 Subsection (a), the department shall notify all public and private
5 agencies or organizations to which it has provided registration
6 information about the person of the removal. On receiving notice,
7 the public or private agency or organization shall remove all
8 registration information about the person from any registry the
9 agency or organization maintains that is accessible to the public
10 with or without charge.

11 [Articles 66.202-66.250 reserved for expansion]

12 SUBCHAPTER F. EXEMPTIONS FROM REGISTRATION FOR CERTAIN JUVENILES

13 Art. 66.251. MOTION AND HEARING GENERALLY. (a) During or
14 after disposition of a case under Section 54.04, Family Code, for
15 adjudication of an offense for which registration is required under
16 this chapter, the juvenile court on motion of the respondent shall
17 conduct a hearing to determine whether the interests of the public
18 require registration under this chapter. The motion may be filed
19 and the hearing held regardless of whether the respondent is under
20 18 years of age. Notice of the motion and hearing shall be provided
21 to the prosecuting attorney.

22 (b) The hearing is without a jury and the burden of
23 persuasion is on the respondent to show by a preponderance of
24 evidence that the criteria of Article 66.252(a) have been met. The
25 court at the hearing may make its determination based on:

26 (1) the receipt of exhibits;

27 (2) the testimony of witnesses;

1 (3) representations of counsel for the parties; or

2 (4) the contents of a substance abuse report prepared
3 by the juvenile probation department that may include the results
4 of testing and examination of the respondent by a psychologist,
5 psychiatrist, or counselor.

6 (c) All written matter considered by the court shall be
7 disclosed to all parties as provided by Section 54.04(b), Family
8 Code.

9 (d) If a respondent, as part of a plea agreement, promises
10 not to file a motion seeking an order exempting the respondent from
11 registration under this chapter, the court may not recognize a
12 motion filed by a respondent under this article.

13 Art. 66.252. ORDER GENERALLY. (a) The court shall enter an
14 order exempting a respondent from registration under this chapter
15 if the court determines:

16 (1) that the protection of the public would not be
17 increased by registration of the respondent under this chapter; or

18 (2) that any potential increase in protection of the
19 public resulting from registration of the respondent is clearly
20 outweighed by the anticipated substantial harm to the respondent
21 and the respondent's family that would result from registration
22 under this chapter.

23 (b) After a hearing under Article 66.251 or under a plea
24 agreement described by Article 66.255(b), the juvenile court may
25 enter an order:

26 (1) deferring decision on requiring registration
27 under this chapter until the respondent has completed substance

1 abuse treatment as a condition of probation or while committed to
2 the Texas Youth Commission; or

3 (2) requiring the respondent to register as a DWI
4 offender but providing that the registration information is not
5 public information and is restricted to use by law enforcement and
6 criminal justice agencies.

7 (c) If the court enters an order described by Subsection
8 (b)(1), the court retains discretion and jurisdiction to require,
9 or exempt the respondent from, registration under this chapter at
10 any time during the treatment or on the successful or unsuccessful
11 completion of treatment, except that during the period of deferral,
12 registration may not be required. Following successful completion
13 of treatment, the respondent is exempted from registration under
14 this chapter unless a hearing under this subchapter is held on
15 motion of the state, regardless of whether the respondent is 18
16 years of age or older, and the court determines the interests of the
17 public require registration. Not later than the 10th day after the
18 date of the respondent's successful completion of treatment, the
19 treatment provider shall notify the juvenile court and prosecuting
20 attorney of the completion.

21 (d) Information that is the subject of an order described by
22 Subsection (b)(2) may not be posted on the Internet or released to
23 the public.

24 Art. 66.253. MOTION, HEARING, AND ORDER CONCERNING PERSON
25 ALREADY REGISTERED. (a) A person who has registered as a DWI
26 offender for an adjudication of delinquent conduct, regardless of
27 when the delinquent conduct or the adjudication for the conduct

1 occurred, may file a motion in the adjudicating juvenile court for a
2 hearing seeking:

3 (1) exemption from registration under this chapter as
4 provided by Article 66.251; or

5 (2) an order under Article 66.252(b)(2) that the
6 registration become nonpublic.

7 (b) The person may file a motion under Subsection (a) in the
8 original juvenile case regardless of whether the person, at the
9 time of filing the motion, is 18 years of age or older. Notice of
10 the motion shall be provided to the prosecuting attorney. A
11 hearing on the motion shall be provided as in other cases under this
12 subchapter.

13 (c) Only one subsequent motion may be filed under Subsection
14 (a) if a previous motion under this article has been filed
15 concerning the case.

16 (d) To the extent feasible, the motion under Subsection (a)
17 shall identify those public and private agencies and organizations
18 that possess DWI offender registration information about the case.

19 (e) The juvenile court, after a hearing, may:

20 (1) deny a motion filed under Subsection (a);

21 (2) grant a motion described by Subsection (a)(1); or

22 (3) grant a motion described by Subsection (a)(2).

23 (f) If the court grants a motion filed under Subsection (a),
24 the clerk of the court shall send by certified mail, return receipt
25 requested, a copy of the order to the department, to each local law
26 enforcement authority that the person has proved to the juvenile
27 court has registration information about the person, and to each

1 public or private agency or organization that the person has proved
2 to the juvenile court has information about the person that is
3 currently available to the public with or without payment of a fee.
4 The clerk of the court shall send by certified mail, return receipt
5 requested, a copy of the order to any other agency or organization
6 designated by the person. The person shall identify the agency or
7 organization and its address and pay a fee of \$20 to the court for
8 each agency or organization the person designates.

9 (g) In addition to disseminating the order under Subsection
10 (f), at the request of the person, the clerk of the court shall send
11 by certified mail, return receipt requested, a copy of the order to
12 each public or private agency or organization that at any time
13 following the initial dissemination of the order under Subsection
14 (f) gains possession of DWI offender registration information
15 pertaining to that person, if the agency or organization did not
16 otherwise receive a copy of the order under Subsection (f).

17 (h) An order under Subsection (f) must require the recipient
18 to conform its records to the court's order by deleting the DWI
19 offender registration information or changing its status to
20 nonpublic, as applicable.

21 (i) A private agency or organization that possesses DWI
22 offender registration information the agency or organization
23 obtained from a state, county, or local governmental entity is
24 required to conform the agency's or organization's records to the
25 court's order on or before the 30th day after the date of the entry
26 of the order. Failure to comply in that period automatically bars
27 the agency or organization from obtaining DWI offender registration

1 information from any state, county, or local governmental entity in
2 this state in the future.

3 Art. 66.254. MOTION, HEARING, AND ORDER CONCERNING PERSON
4 REQUIRED TO REGISTER BECAUSE OF OUT-OF-STATE ADJUDICATION. (a) A
5 person required to register as a DWI offender in this state because
6 of an out-of-state adjudication of delinquent conduct may file in
7 the juvenile court of the person's county of residence a petition
8 under Article 66.251 for an order exempting the person from
9 registration under this chapter.

10 (b) If the person is registered as a DWI offender in this
11 state because of an out-of-state adjudication of delinquent
12 conduct, the person may file in the juvenile court of the person's
13 county of residence a petition under Article 66.253 for an order
14 removing the person from DWI offender registries in this state.

15 (c) On receipt of a petition under this article, the
16 juvenile court shall conduct a hearing and make rulings as in other
17 cases under this subchapter.

18 (d) An order entered under this article requiring removal of
19 registration information applies only to registration information
20 derived from registration in this state.

21 Art. 66.255. WAIVER OF HEARING. (a) The prosecuting
22 attorney may waive the state's right to a hearing under this
23 subchapter and agree that registration under this chapter is not
24 required. A waiver under this subsection must state whether the
25 waiver is entered under a plea agreement.

26 (b) If the waiver is entered under a plea agreement, the
27 court, without a hearing, shall:

1 (1) enter an order exempting the respondent from
2 registration under this chapter; or

3 (2) under Section 54.03(j), Family Code, inform the
4 respondent that the court believes a hearing under this article is
5 required and give the respondent the opportunity to:

6 (A) withdraw the respondent's plea; or

7 (B) affirm the respondent's plea and participate
8 in the hearing.

9 (c) If the waiver is entered other than under a plea
10 agreement, the court, without a hearing, shall enter an order
11 exempting the respondent from registration under this chapter.

12 Art. 66.256. EFFECT OF CERTAIN ORDERS. (a) A person who
13 has an adjudication of delinquent conduct that would otherwise be
14 reportable under Article 66.001(7) does not have a reportable
15 adjudication of delinquent conduct for purposes of this chapter if
16 the juvenile court enters an order under this subchapter exempting
17 the person from the registration requirements of this chapter.

18 (b) If the juvenile court enters an order exempting a person
19 from registration under this chapter, the respondent may not be
20 required to register in this or any other state for the offense for
21 which registration was exempted.

22 Art. 66.257. APPEAL OF CERTAIN ORDERS. (a)
23 Notwithstanding Section 56.01, Family Code, on entry by a juvenile
24 court of an order under Article 66.252(a) exempting a respondent
25 from registration under this chapter, the prosecuting attorney may
26 appeal that order by giving notice of appeal within the time
27 required under Rule 26.2(b), Texas Rules of Appellate Procedure.

1 The appeal is civil and the standard of review in the appellate
2 court is whether the juvenile court committed procedural error or
3 abused its discretion in exempting the respondent from registration
4 under this chapter. The appeal is limited to review of the order
5 exempting the respondent from registration under this chapter and
6 may not include any other issues in the case.

7 (b) A respondent may under Section 56.01, Family Code,
8 appeal a juvenile court's order under Article 66.252(a) requiring
9 registration in the same manner as the appeal of any other legal
10 issue in the case. The standard of review in the appellate court is
11 whether the juvenile court committed procedural error or abused its
12 discretion in requiring registration.

13 [Articles 66.258-66.300 reserved for expansion]

14 SUBCHAPTER G. FUNDING

15 Art. 66.301. DWI OFFENDER REGISTRATION ACCOUNT. (a) The
16 DWI offender registration account is established as an account in
17 the general revenue fund. Money in the account may be appropriated
18 only to the department to implement this chapter.

19 (b) The account is composed of money deposited to the
20 account under Article 102.0183 and the earnings of the account.

21 (c) Sections 403.095 and 404.071, Government Code, do not
22 apply to the account.

23 SECTION 2. Chapter 13, Code of Criminal Procedure, is
24 amended by adding Article 13.33 to read as follows:

25 Art. 13.33. FAILURE TO COMPLY WITH DWI OFFENDER
26 REGISTRATION STATUTE. An offense under Chapter 66 may be
27 prosecuted in:

1 (1) any county in which an element of the offense
2 occurs;

3 (2) the county in which the person subject to Chapter
4 66 last registered, verified registration, or otherwise complied
5 with a requirement of Chapter 66;

6 (3) the county in which the person required to
7 register under Chapter 66 has indicated that the person intends to
8 reside; or

9 (4) any county in which the person required to
10 register under Chapter 66 is placed under custodial arrest for an
11 offense subsequent to the person's most recent reportable
12 conviction or adjudication under Chapter 66.

13 SECTION 3. Section 1, Article 42.01, Code of Criminal
14 Procedure, is amended to read as follows:

15 Sec. 1. A judgment is the written declaration of the court
16 signed by the trial judge and entered of record showing the
17 conviction or acquittal of the defendant. The sentence served
18 shall be based on the information contained in the judgment. The
19 judgment shall reflect:

20 1. The title and number of the case;

21 2. That the case was called and the parties appeared,
22 naming the attorney for the state, the defendant, and the attorney
23 for the defendant, or, where a defendant is not represented by
24 counsel, that the defendant knowingly, intelligently, and
25 voluntarily waived the right to representation by counsel;

26 3. The plea or pleas of the defendant to the offense
27 charged;

1 4. Whether the case was tried before a jury or a jury
2 was waived;

3 5. The submission of the evidence, if any;

4 6. In cases tried before a jury that the jury was
5 charged by the court;

6 7. The verdict or verdicts of the jury or the finding
7 or findings of the court;

8 8. In the event of a conviction that the defendant is
9 adjudged guilty of the offense as found by the verdict of the jury
10 or the finding of the court, and that the defendant be punished in
11 accordance with the jury's verdict or the court's finding as to the
12 proper punishment;

13 9. In the event of conviction where death or any
14 punishment is assessed that the defendant be sentenced to death, a
15 term of confinement or community supervision, or to pay a fine, as
16 the case may be;

17 10. In the event of conviction where the imposition of
18 sentence is suspended and the defendant is placed on community
19 supervision, setting forth the punishment assessed, the length of
20 community supervision, and the conditions of community
21 supervision;

22 11. In the event of acquittal that the defendant be
23 discharged;

24 12. The county and court in which the case was tried
25 and, if there was a change of venue in the case, the name of the
26 county in which the prosecution was originated;

27 13. The offense or offenses for which the defendant

1 was convicted;

2 14. The date of the offense or offenses and degree of
3 offense for which the defendant was convicted;

4 15. The term of sentence;

5 16. The date judgment is entered;

6 17. The date sentence is imposed;

7 18. The date sentence is to commence and any credit for
8 time served;

9 19. The terms of any order entered pursuant to Article
10 42.08 of this code that the defendant's sentence is to run
11 cumulatively or concurrently with another sentence or sentences;

12 20. The terms of any plea bargain;

13 21. Affirmative findings entered pursuant to
14 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of
15 this code;

16 22. The terms of any fee payment ordered under Article
17 42.151 of this code;

18 23. The defendant's thumbprint taken in accordance
19 with Article 38.33 of this code;

20 24. In the event that the judge orders the defendant to
21 repay a reward or part of a reward under Articles 37.073 and 42.152
22 of this code, a statement of the amount of the payment or payments
23 required to be made;

24 25. In the event that the court orders restitution to
25 be paid to the victim, a statement of the amount of restitution
26 ordered and:

27 (A) the name of the victim and the permanent

1 mailing address of the victim at the time of the judgment; or

2 (B) if the court determines that the inclusion of
3 the victim's name and address in the judgment is not in the best
4 interest of the victim, the name and address of a person or agency
5 that will accept and forward restitution payments to the victim;

6 26. In the event that a presentence investigation is
7 required by Section 9(a), [~~(b)~~] (h), or (i), Article 42.12 of this
8 code, a statement that the presentence investigation was done
9 according to the applicable provision;

10 27. In the event of conviction of an offense for which
11 registration as a sex offender is required under Chapter 62, a
12 statement that the registration requirement of that chapter applies
13 to the defendant and a statement of the age of the victim of the
14 offense;

15 28. In the event of conviction of an offense for which
16 registration as a DWI offender is required under Chapter 66, a
17 statement that the registration requirement of that chapter applies
18 to the defendant;

19 29. The defendant's state identification number
20 required by Article [~~Section~~] 60.052(a)(2), if that number has been
21 assigned at the time of the judgment; and

22 30 [~~29~~]. The incident number required by Article
23 [~~Section~~] 60.052(a)(4), if that number has been assigned at the
24 time of the judgment.

25 SECTION 4. Chapter 42, Code of Criminal Procedure, is
26 amended by adding Article 42.0161 to read as follows:

27 Art. 42.0161. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION

1 REQUIREMENTS FOR CERTAIN DWI OFFENDERS. If a person is convicted
2 of, receives a grant of deferred adjudication for, or is
3 adjudicated as having engaged in delinquent conduct based on a
4 violation of an offense for which a conviction or adjudication
5 requires registration as a DWI offender under Chapter 66, the court
6 shall:

7 (1) issue an order requiring the Texas Department of
8 Public Safety to include in any driver's license record or personal
9 identification certificate record maintained by the department for
10 the person an indication that the person is subject to the
11 registration requirements of Chapter 66;

12 (2) require the person to apply to the Texas
13 Department of Public Safety in person for an original or renewal
14 driver's license, if eligible for the license, or an original or
15 renewal personal identification certificate not later than the 30th
16 day after the date the person is released or the date the department
17 sends written notice to the person of the requirements of Article
18 66.057, as applicable, and to annually renew the license or
19 certificate;

20 (3) notify the person of the consequence of the
21 conviction or order of deferred adjudication as it relates to the
22 order issued under this article; and

23 (4) send to the Texas Department of Public Safety a
24 copy of the record of conviction, a copy of the order granting
25 deferred adjudication, or a copy of the juvenile adjudication, as
26 applicable, and a copy of the order issued under this article.

27 SECTION 5. Section 13, Article 42.12, Code of Criminal

1 Procedure, is amended by adding Subsection (o) to read as follows:

2 (o) A judge granting community supervision to a defendant
3 required to register as a DWI offender under Chapter 66 shall
4 require that the defendant, as a condition of community
5 supervision, register under that chapter.

6 SECTION 6. Subchapter A, Chapter 102, Code of Criminal
7 Procedure, is amended by adding Article 102.0183 to read as
8 follows:

9 Art. 102.0183. ADDITIONAL COSTS ATTENDANT TO INTOXICATION
10 CONVICTIONS: DWI OFFENDER REGISTRY. (a) In addition to the costs
11 on conviction imposed by this chapter, a person convicted of an
12 offense for which registration as a DWI offender is required under
13 Chapter 66 shall pay \$150 on conviction of the offense.

14 (b) In this article, a defendant is considered convicted if:
15 (1) a sentence is imposed on the defendant; or
16 (2) the defendant is placed on community supervision,
17 including deferred adjudication community supervision.

18 (c) Costs imposed under this article are collected in the
19 same manner as other costs collected under Section 133.102, Local
20 Government Code.

21 (d) The officer collecting the costs under this article
22 shall keep separate records of the money collected and shall pay the
23 money to the custodian of the county treasury.

24 (e) The custodian of the county treasury shall:
25 (1) keep records of the amount of money collected
26 under this article that is deposited with the treasury under this
27 article; and

1 (2) not later than the last day of the first month
2 following each calendar quarter:

3 (A) pay the money collected under this article
4 during the preceding calendar quarter to the comptroller; or

5 (B) if, in the calendar quarter, the custodian of
6 the county treasury did not receive any money attributable to costs
7 paid under this article, file a report with the comptroller stating
8 that fact.

9 (f) The comptroller shall deposit the funds received under
10 this article to the credit of the account established under
11 Subchapter G, Chapter 66.

12 SECTION 7. Section 51.072(f), Family Code, is amended to
13 read as follows:

14 (f) Not later than 10 business days after a receiving county
15 has agreed to provide interim supervision of a child, the juvenile
16 probation department of the sending county shall provide the
17 juvenile probation department of the receiving county with a copy
18 of the following documents:

19 (1) the petition and the adjudication and disposition
20 orders for the child, including the child's thumbprint;

21 (2) the child's conditions of probation;

22 (3) the social history report for the child;

23 (4) any psychological or psychiatric reports
24 concerning the child;

25 (5) the Department of Public Safety CR 43J form or
26 tracking incident number concerning the child;

27 (6) any law enforcement incident reports concerning

1 the offense for which the child is on probation;

2 (7) any sex offender registration information
3 concerning the child;

4 (7-a) any DWI offender registration information
5 concerning the child;

6 (8) any juvenile probation department progress
7 reports concerning the child and any other pertinent documentation
8 for the child's probation officer;

9 (9) case plans concerning the child;

10 (10) the Texas Juvenile Probation Commission standard
11 assessment tool results for the child;

12 (11) the computerized referral and case history for
13 the child, including case disposition;

14 (12) the child's birth certificate;

15 (13) the child's social security number or social
16 security card, if available;

17 (14) the name, address, and telephone number of the
18 contact person in the sending county's juvenile probation
19 department;

20 (15) Title IV-E eligibility screening information for
21 the child, if available;

22 (16) the address in the sending county for forwarding
23 funds collected to which the sending county is entitled;

24 (17) any of the child's school or immunization records
25 that the juvenile probation department of the sending county
26 possesses; and

27 (18) any victim information concerning the case for

1 which the child is on probation.

2 SECTION 8. Section 54.051, Family Code, is amended by
3 adding Subsections (j) and (k) to read as follows:

4 (j) If the juvenile court places the child on probation for
5 an offense for which registration as a DWI offender is required by
6 Chapter 66, Code of Criminal Procedure, and defers the registration
7 requirement until completion of treatment for substance abuse under
8 Subchapter F, Chapter 66, Code of Criminal Procedure, the authority
9 under that chapter to reexamine the need for registration on
10 completion of treatment is transferred to the court to which
11 probation is transferred.

12 (k) If the juvenile court places the child on probation for
13 an offense for which registration as a DWI offender is required by
14 Chapter 66, Code of Criminal Procedure, and the child registers,
15 the authority of the court to excuse further compliance with the
16 registration requirement under Subchapter F, Chapter 66, Code of
17 Criminal Procedure, is transferred to the court to which probation
18 is transferred.

19 SECTION 9. Section 58.202, Family Code, is amended to read
20 as follows:

21 Sec. 58.202. EXEMPTED RECORDS. The following records are
22 exempt from this subchapter:

23 (1) sex offender registration records maintained by
24 the department or a local law enforcement agency under Chapter 62,
25 Code of Criminal Procedure; ~~and~~

26 (2) DWI offender registration records maintained by
27 the department or a local law enforcement agency under Chapter 66,

1 Code of Criminal Procedure; and

2 (3) records relating to a criminal combination or
3 criminal street gang maintained by the department or a local law
4 enforcement agency under Chapter 61, Code of Criminal Procedure.

5 SECTION 10. Subchapter C, Chapter 102, Government Code, is
6 amended by adding Section 102.0413 to read as follows:

7 Sec. 102.0413. DWI OFFENDER REGISTRY FEE ON CONVICTION IN
8 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
9 district court shall collect from a defendant a \$150 court cost
10 under Article 102.0183, Code of Criminal Procedure, on conviction
11 of an offense for which registration as a DWI offender is required
12 under Chapter 66, Code of Criminal Procedure.

13 SECTION 11. Subchapter D, Chapter 102, Government Code, is
14 amended by adding Section 102.0613 to read as follows:

15 Sec. 102.0613. DWI OFFENDER REGISTRY FEE ON CONVICTION IN
16 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
17 statutory county court shall collect from a defendant a \$150 court
18 cost under Article 102.0183, Code of Criminal Procedure, on
19 conviction of an offense for which registration as a DWI offender is
20 required under Chapter 66, Code of Criminal Procedure.

21 SECTION 12. Subchapter E, Chapter 102, Government Code, is
22 amended by adding Section 102.0813 to read as follows:

23 Sec. 102.0813. DWI OFFENDER REGISTRY FEE ON CONVICTION IN
24 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
25 court shall collect from a defendant a \$150 court cost under Article
26 102.0183, Code of Criminal Procedure, on conviction of an offense
27 for which registration as a DWI offender is required under Chapter

1 66, Code of Criminal Procedure.

2 SECTION 13. Section 411.088(b), Government Code, is amended
3 to read as follows:

4 (b) The department may not charge for processing an
5 electronic inquiry for information described as public information
6 under Article 62.005 or 66.005, Code of Criminal Procedure, made
7 through the use of the Internet.

8 SECTION 14. Subchapter F, Chapter 508, Government Code, is
9 amended by adding Section 508.1861 to read as follows:

10 Sec. 508.1861. DWI OFFENDER REGISTRATION. A parole panel
11 shall require as a condition of parole or mandatory supervision
12 that a releasee required to register as a DWI offender under Chapter
13 66, Code of Criminal Procedure, register under that chapter.

14 SECTION 15. Section 508.313(e), Government Code, is amended
15 to read as follows:

16 (e) This section does not apply to information relating to:

17 (1) a sex offender that is authorized for release
18 under Chapter 62, Code of Criminal Procedure; or

19 (2) a DWI offender that is authorized for release
20 under Chapter 66, Code of Criminal Procedure.

21 SECTION 16. Subchapter C, Chapter 521, Transportation Code,
22 is amended by adding Section 521.0571 to read as follows:

23 Sec. 521.0571. INFORMATION REGARDING CERTAIN DWI
24 OFFENDERS. (a) On receipt of a court order issued under Article
25 42.0161, Code of Criminal Procedure, the department shall ensure
26 that any driver's license record or personal identification
27 certificate record maintained by the department for the person

1 includes an indication that the person is subject to the
2 registration requirements of Chapter 66, Code of Criminal
3 Procedure.

4 (b) The department shall include the indication required by
5 Subsection (a) in any driver's license record or personal
6 identification certificate record maintained by the department for
7 the person until the expiration of the person's duty to register
8 under Chapter 66, Code of Criminal Procedure.

9 SECTION 17. Subchapter E, Chapter 521, Transportation Code,
10 is amended by adding Section 521.1031 to read as follows:

11 Sec. 521.1031. EXPIRATION AND RENEWAL REQUIREMENTS FOR
12 CERTAIN DWI OFFENDERS. (a) The department may issue an original or
13 renewal personal identification certificate to a person whose
14 driver's license or personal identification certificate record
15 indicates that the person is subject to the registration
16 requirements of Chapter 66, Code of Criminal Procedure, only if the
17 person:

18 (1) applies in person for the issuance of a
19 certificate under this section; and

20 (2) pays a fee of \$25.

21 (b) A personal identification certificate issued under this
22 section or a duplicate or corrected certificate expires on the
23 first birthday of the certificate holder occurring after the date
24 of application, except that the initial certificate issued under
25 this section expires on the second birthday of the certificate
26 holder occurring after the date of application.

27 SECTION 18. Subchapter M, Chapter 521, Transportation Code,

1 is amended by adding Section 521.2721 to read as follows:

2 Sec. 521.2721. RENEWAL OF LICENSE ISSUED TO CERTAIN DWI
3 OFFENDERS. (a) The department may issue an original or renewal
4 driver's license to a person whose driver's license or personal
5 identification certificate record indicates that the person is
6 subject to the registration requirements of Chapter 66, Code of
7 Criminal Procedure, only if the person:

8 (1) applies in person for the issuance of a license
9 under this section; and

10 (2) pays the fee required by Section 521.421(j).

11 (b) Notwithstanding Section 521.143, a person is not
12 required to provide proof of financial responsibility to receive
13 the person's initial driver's license under this section.

14 (c) Notwithstanding Section 521.271, a driver's license
15 issued under this section or a duplicate or corrected license
16 expires on the first birthday of the license holder occurring after
17 the date of application, except that the initial license issued
18 under this section expires on the second birthday of the license
19 holder occurring after the date of application. This subsection
20 does not apply to:

21 (1) a provisional license;

22 (2) an instruction permit issued under Section
23 521.222; or

24 (3) a hardship license issued under Section 521.223.

25 SECTION 19. Section 521.274(b), Transportation Code, is
26 amended to read as follows:

27 (b) A rule adopted under this section:

1 (1) may prescribe eligibility standards for renewal
2 under this section;

3 (2) may not permit a person subject to the
4 registration requirements under Chapter 62 or 66, Code of Criminal
5 Procedure, to register by mail or electronic means; and

6 (3) may not permit renewal by mail or electronic means
7 of a driver's license of a person who is 79 years of age or older.

8 SECTION 20. Subchapter O, Chapter 521, Transportation Code,
9 is amended by adding Section 521.3481 to read as follows:

10 Sec. 521.3481. AUTOMATIC REVOCATION FOR CERTAIN DWI
11 OFFENDERS. (a) A driver's license is automatically revoked if the
12 holder of the license:

13 (1) is subject to the registration requirements of
14 Chapter 66, Code of Criminal Procedure; and

15 (2) fails to apply to the department for renewal of the
16 license as required by Article 66.057, Code of Criminal Procedure.

17 (b) The department may issue a driver's license to a person
18 whose license is revoked under this section only if the person:

19 (1) applies for an original or renewal license under
20 Section 521.2721; and

21 (2) is otherwise qualified for the license.

22 SECTION 21. Section 521.421, Transportation Code, is
23 amended by adding Subsection (j) to read as follows:

24 (j) The fee for issuance or renewal of a driver's license, a
25 provisional license, an instruction permit, or a hardship license
26 issued to a person subject to the registration requirements under
27 Chapter 66, Code of Criminal Procedure, is \$25.

1 SECTION 22. Section 521.422(a), Transportation Code, is
2 amended to read as follows:

- 3 (a) The fee for a personal identification certificate is:
- 4 (1) \$15 for a person under 60 years of age;
 - 5 (2) \$5 for a person 60 years of age or older; ~~and~~
 - 6 (3) \$20 for a person subject to the registration
7 requirements under Chapter 62, Code of Criminal Procedure; and
 - 8 (4) \$25 for a person subject to the registration
9 requirements under Chapter 66, Code of Criminal Procedure.

10 SECTION 23. Subchapter C, Chapter 522, Transportation Code,
11 is amended by adding Section 522.0331 to read as follows:

12 Sec. 522.0331. COMMERCIAL DRIVER'S LICENSE ISSUED TO
13 CERTAIN DWI OFFENDERS. (a) The department may issue an original
14 or renewal commercial driver's license or commercial driver
15 learner's permit to a person whose driver's license or personal
16 identification certificate record indicates that the person is
17 subject to the registration requirements of Chapter 66, Code of
18 Criminal Procedure, only if the person is otherwise eligible for
19 the commercial driver's license or commercial driver learner's
20 permit and:

21 (1) applies in person for the issuance of a license or
22 permit under this section; and

23 (2) pays a fee of \$25.

24 (b) Notwithstanding Section 522.051, a commercial driver's
25 license or commercial driver learner's permit issued under this
26 section, including a renewal, duplicate, or corrected license,
27 expires on the first birthday of the license holder occurring after

1 the date of application, except that the initial license issued
2 under this section expires on the second birthday of the license
3 holder occurring after the date of application.

4 SECTION 24. The Department of Public Safety shall create
5 the central database required by Article 66.005, Code of Criminal
6 Procedure, as added by this Act, not later than January 1, 2010.

7 SECTION 25. Article 42.01, Code of Criminal Procedure, as
8 amended by this Act, applies only to a judgment entered by a court
9 on or after the effective date of this Act. A judgment entered by a
10 court before the effective date of this Act is governed by the law
11 in effect when the judgment was entered, and the former law is
12 continued in effect for that purpose.

13 SECTION 26. Section 13(o), Article 42.12, Code of Criminal
14 Procedure, as added by this Act, applies only to a defendant placed
15 on community supervision on or after the effective date of this Act.
16 A defendant placed on community supervision before the effective
17 date of this Act is governed by the law in effect on the date the
18 defendant was placed on community supervision, and the former law
19 is continued in effect for that purpose.

20 SECTION 27. Section 508.1861, Government Code, as added by
21 this Act, applies only to an inmate released on parole or to
22 mandatory supervision on or after the effective date of this Act.
23 An inmate released before the effective date of this Act is governed
24 by the law in effect on the date the inmate is released, and the
25 former law is continued in effect for that purpose.

26 SECTION 28. This Act takes effect January 1, 2010.