

By: Martinez Fischer

H.B. No. 4108

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a central database containing information about certain
3 offenders who have committed offenses involving family violence
4 against a child.

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

6 SECTION 1. Section 411.088(b), Government Code, is amended
7 to read as follows:

8 (b) The department may not charge for processing an
9 electronic inquiry, made through the use of the Internet, for
10 information described as public information under:

11 (1) Section 411.1356; or

12 (2) Article 62.005, Code of Criminal Procedure [~~, made~~
13 ~~through the use of the Internet~~].

14 SECTION 2. Section 411.135(a), Government Code, is amended
15 to read as follows:

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

17 (1) any information described as public information
18 under Chapter 62, Code of Criminal Procedure, [~~as added by Chapter~~
19 ~~668, Acts of the 75th Legislature, Regular Session, 1997,~~]
20 including, to the extent available, a recent photograph of each
21 person subject to registration under that chapter; [~~and~~]

22 (2) criminal history record information maintained by
23 the department that relates to the conviction of or a grant of
24 deferred adjudication to a person for any criminal offense,

1 including arrest information that relates to the conviction or
2 grant of deferred adjudication; and

3 (3) any information described as public information
4 under Section 411.1356.

5 SECTION 3. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.1356 to read as follows:

7 Sec. 411.1356. CENTRAL DATABASE OF OFFENDERS COMMITTING
8 OFFENSES INVOLVING FAMILY VIOLENCE AGAINST A CHILD. (a) The
9 department shall maintain a computerized central database
10 containing information regarding persons who have been convicted of
11 an offense:

12 (1) for which an affirmative finding of family
13 violence was made under Article 42.013, Code of Criminal Procedure;
14 and

15 (2) of which the victim was a child of the family or
16 household who was younger than 17 years of age at the time the
17 offense was committed.

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

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

22 (2) that would identify the child who was the victim of
23 the offense.

24 (c) The database maintained by the department under this
25 section must contain, to the extent the information is available to
26 the department:

27 (1) the person's full name, each alias used by the

1 person, and the person's date of birth;

2 (2) the person's last known address;

3 (3) a physical description and recent photograph of
4 the person;

5 (4) a list of each conviction for an offense described
6 by Subsection (a), the date of conviction for each offense, and the
7 punishment prescribed for each offense; and

8 (5) an indication as to whether the person was
9 discharged, placed on juvenile probation or community supervision,
10 or released on parole or to mandatory supervision following the
11 conviction for each offense.

12 (d) The department shall permit a person whose name is
13 included in the database established under this section to petition
14 the department for removal of the person's name from the database,
15 and the department shall remove the person's name from the database
16 in response to the petition if:

17 (1) an order of expunction is issued under Chapter 55,
18 Code of Criminal Procedure, with respect to an offense described by
19 Subsection (a), unless the person has one or more other convictions
20 for an offense described by that subsection; or

21 (2) the person establishes that the person, at the
22 time the petition is made, does not have as a member of the person's
23 family or household, as those terms are defined by Chapter 71,
24 Family Code, a child who is younger than 17 years of age.

25 (e) On the website through which a person may search the
26 database described by this section, the department shall include
27 information regarding:

1 (1) the manner in which a person may petition the
2 department for removal of the person's name from the database; and

3 (2) the circumstances under which the department will
4 grant the petition.

5 SECTION 4. The central database required by Section
6 411.1356, Government Code, as added by this Act, must be designed
7 and implemented not later than January 1, 2010, and may only include
8 conviction information with respect to offenses described by
9 Subsection (a) of that section that are committed on or after the
10 effective date of this Act. For purposes of this section, an
11 offense was committed on or after the effective date of this Act if
12 each element of the offense occurred on or after that date.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.