

BILL ANALYSIS

C.S.H.B. 161
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerned parties advocating for further action to prevent drunk driving cite the horrifying statistic that a person is killed in an alcohol-related car accident in Texas every five hours. The parties note that even though law enforcement is making every effort to reduce this staggering statistic, a concerted effort by every citizen is required to change what has become a common and alarming behavior. Those concerned parties contend that making certain public information easier to access will enable citizens to make more informed decisions about whom they trust to operate a vehicle carrying their families and that equipping law enforcement officers with more tools to identify drunk driving will help to remove impaired individuals from the roads.

C.S.H.B. 161 seeks to address the problem of drunk driving by establishing provisions relating to the dissemination of criminal history record information concerning certain intoxication offenses to the public and to peace officers.

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

C.S.H.B. 161 amends the Government Code to include in the public information that any person is entitled to obtain from the Department of Public Safety (DPS), criminal history record information relating to the conviction of a person within the preceding 10-year period for a driving while intoxicated offense, driving while intoxicated with a child passenger offense, intoxication assault offense, or an intoxication manslaughter offense, excluding any information regarding the person's social security number, driver's license number, or telephone number and any information that would identify the victim of the offense.

C.S.H.B. 161 requires DPS to design and implement an Internet website to allow any person, free of charge, to electronically search for and receive the previously described criminal history record information by entering specific search criteria into the website, including a zip code, city, county, or name of a person. The bill requires the search results to include the last known address of the person convicted and a recent photograph of the person convicted, if a photograph is available to DPS.

C.S.H.B. 161 requires DPS to remove a person's criminal history record information from the Internet website as soon as practicable after the earlier of the 10th anniversary of the date of the person's most recent conviction of one of the enumerated intoxication offenses or the date on which the conviction is reversed on appeal or an order of expunction is entered with respect to records and files in the case.

C.S.H.B. 161 requires DPS to establish a procedure by which a peace officer or employee of a law enforcement agency who provides DPS with a driver's license number, personal

identification certificate number, or license plate number is automatically provided information as to whether DPS has criminal history record information concerning a conviction within the preceding 10-year period of one of the enumerated intoxication offenses about the person to whom the driver's license, personal identification certificate, or license plate is issued. The bill requires the procedure to allow a peace officer to request the information from the location of a motor vehicle stop and to receive a response to the request during the duration of a reasonable motor vehicle stop.

C.S.H.B. 161 requires DPS to make the required criminal history record information available to a requesting person not later than May 1, 2012.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 161, in provisions regarding public access and automatic peace officer access to criminal history record information concerning certain enumerated intoxication offenses, differs from the original by making those provisions apply to the conviction of a person for such an offense within the preceding 10-year period, whereas the original makes those provisions apply to such a conviction regardless of the period during which the conviction occurred.

C.S.H.B. 161 contains provisions not included in the original requiring the Department of Public Safety to remove a person's criminal history record information relating to a conviction of such an intoxication offense from the Internet website as soon as practicable after the earlier of the 10th anniversary of the date of the person's most recent conviction of one of the enumerated intoxication offenses or the date on which the conviction is reversed on appeal or an order of expunction is entered with respect to records and files in the case.