

By: Raymond

H.B. No. 161

Substitute the following for H.B. No. 161:

By: Miller of Erath

C.S.H.B. No. 161

A BILL TO BE ENTITLED

1

AN ACT

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 the conviction of  
3 a person within the preceding 10-year period for an offense under  
4 Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is public  
5 information, with the exception of:

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

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

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

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

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

20 (c) The department shall remove a person's criminal history  
21 record information from the Internet website as soon as practicable  
22 after the earlier of:

23 (1) the 10th anniversary of the date of the person's  
24 most recent conviction of an offense listed in Subsection (a); or

25 (2) the date on which the conviction is reversed on  
26 appeal, or an order of expunction is entered with respect to records  
27 and files in the case.

1       Sec. 411.1356. CRIMINAL HISTORY RECORD INFORMATION  
2 CONCERNING CERTAIN INTOXICATION OFFENSES PROVIDED TO PEACE OFFICER  
3 ON REQUEST. The department shall establish a procedure by which a  
4 peace officer or employee of a law enforcement agency who provides  
5 the department with a driver's license number, personal  
6 identification certificate number, or license plate number is  
7 automatically provided information as to whether the department has  
8 criminal history record information concerning a conviction within  
9 the preceding 10-year period of an offense under Section 49.04,  
10 49.045, 49.07, or 49.08, Penal Code, about the person to whom the  
11 driver's license, personal identification certificate, or license  
12 plate is issued. The procedure must allow a peace officer to request  
13 the information from the location of a motor vehicle stop and to  
14 receive a response to the request during the duration of a  
15 reasonable motor vehicle stop.

16       SECTION 3. Not later than May 1, 2012, the Department of  
17 Public Safety shall make available to a requesting person the  
18 information required by Sections 411.1355 and 411.1356, Government  
19 Code, as added by this Act.

20       SECTION 4. This Act takes effect September 1, 2011.