

1-1 By: Lucio III, Pena (Senate Sponsor - Ellis) H.B. No. 1103
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 2, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 21, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1103 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the civil and criminal consequences of certain criminal
1-11 offenses involving animal cruelty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 11, Article 42.12, Code of Criminal
1-14 Procedure, is amended by adding Subsection (m) to read as follows:

1-15 (m) If a judge grants community supervision to a person
1-16 convicted of an offense under Section 42.09, 42.091, 42.092, or
1-17 42.10, Penal Code, the judge may require the person to:

1-18 (1) attend a responsible pet owner course sponsored by
1-19 a municipal animal shelter, as defined by Section 823.001, Health
1-20 and Safety Code, that:

1-21 (A) receives federal, state, county, or
1-22 municipal funds; and

1-23 (B) serves the county in which the court is
1-24 located; and

1-25 (2) register as required by Chapter 61A, Code of
1-26 Criminal Procedure, if applicable.

1-27 SECTION 2. Title 1, Code of Criminal Procedure, is amended
1-28 by adding Chapter 61A to read as follows:

1-29 CHAPTER 61A. ANIMAL CRUELTY REGISTRATION PROGRAM

1-30 Art. 61A.01. DEFINITIONS. In this chapter:

1-31 (1) "Department" means the Department of Public Safety
1-32 of the State of Texas.

1-33 (2) "Local law enforcement authority" and "penal
1-34 institution" have the meanings assigned by Article 62.001.

1-35 Art. 61A.02. CENTRAL DATABASE; PUBLIC INFORMATION. (a) To
1-36 the extent that funding is available under Article 61A.07, the
1-37 department shall establish and maintain a computerized central
1-38 database containing information regarding persons who:

1-39 (1) have been convicted of or received a grant of
1-40 deferred adjudication for one or more felony offenses under Section
1-41 42.092 or 42.10, Penal Code; and

1-42 (2) were 17 years of age or older at the time of the
1-43 offense.

1-44 (b) If a computerized central database is established by the
1-45 department under Subsection (a), a person described by that
1-46 subsection shall register as required by this chapter until the
1-47 10th anniversary of the date the person was last convicted of or
1-48 received a grant of deferred adjudication for an offense described
1-49 by Subsection (a)(1).

1-50 (c) The information contained in the database is public
1-51 information, with the exception of any information regarding the
1-52 person's social security number, driver's license number, or
1-53 telephone number.

1-54 (d) The department shall publish on its Internet website all
1-55 public information contained in the database.

1-56 (e) To the extent that funding is available under Article
1-57 61A.07, the department, in cooperation with the Board of Pardons
1-58 and Paroles, the Texas Department of Criminal Justice, and the
1-59 Commission on Jail Standards, by rule shall design and implement a
1-60 system for the registration of persons described by Subsection (a).
1-61 The system must establish requirements and procedures for:

1-62 (1) a person described by Subsection (a) to be
1-63 notified, before the person's discharge or release, of the person's

2-1 duty to register with a local law enforcement authority for the
2-2 period required by Subsection (b);
2-3 (2) the person to register or verify registration with
2-4 a local law enforcement authority:
2-5 (A) annually;
2-6 (B) every 90 days if the person is determined by
2-7 the department to be high-risk because of the person's status as a
2-8 repeat offender; or
2-9 (C) every 30 days if the person does not have a
2-10 permanent address;
2-11 (3) the person to register with a local law
2-12 enforcement authority not later than five days after the date the
2-13 person changes address;
2-14 (4) the database to track whether a person described
2-15 by Subsection (a) is in compliance with registration requirements
2-16 and, if the person is not in compliance, to make that information
2-17 available to other persons requesting the information;
2-18 (5) a local law enforcement authority to promptly
2-19 forward registration information to the department for use in the
2-20 database;
2-21 (6) the database to track whether a person described
2-22 by Subsection (a) is attending or is planning to attend a public or
2-23 private institution of higher education and, if so, the department
2-24 to promptly forward that information to the applicable institution
2-25 of higher education;
2-26 (7) the inclusion in the database and on the
2-27 department's Internet website of a recent photograph of the person,
2-28 updated annually; and
2-29 (8) the department to update the database daily.
2-30 Art. 61A.03. INFORMATION PROVIDED TO PEACE OFFICER ON
2-31 REQUEST. The department shall establish a procedure by which a
2-32 peace officer or employee of a law enforcement agency who provides
2-33 the department with a driver's license number, personal
2-34 identification certificate number, or license plate number is
2-35 automatically provided information as to whether the person to whom
2-36 the driver's license or personal identification certificate is
2-37 issued is required to register under this chapter or whether the
2-38 license plate number is entered in the computerized central
2-39 database under Article 61A.02 as assigned to a vehicle owned or
2-40 driven by a person required to register under this chapter.
2-41 Art. 61A.04. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.
2-42 (a) The department, a penal institution, or a local law
2-43 enforcement authority may release to the public information
2-44 regarding a person required to register under this chapter only if
2-45 the information is public information under Article 61A.02(c).
2-46 (b) An individual, agency, entity, or authority is not
2-47 liable under Chapter 101, Civil Practice and Remedies Code, or any
2-48 other law for damages arising from conduct authorized by Subsection
2-49 (a).
2-50 (c) For purposes of determining liability, the release or
2-51 withholding of information by an appointed or elected officer of an
2-52 agency, entity, or authority is a discretionary act.
2-53 (d) A public or private institution of higher education or
2-54 administrator of a public or private institution of higher
2-55 education may release to the public information regarding a person
2-56 required to register under this chapter only if the information is
2-57 public information under Article 61A.02(c) and is released to the
2-58 administrator under Article 61A.02. A public or private
2-59 institution of higher education or administrator of a public or
2-60 private institution of higher education is not liable under any law
2-61 for damages arising from conduct authorized by this subsection.
2-62 Art. 61A.05. EXEMPTION FROM REGISTRATION FOR CERTAIN ANIMAL
2-63 CRUELTY OFFENDERS. (a) A person required to register under this
2-64 chapter may petition the court having jurisdiction over the case
2-65 for an order exempting the person from registration under this
2-66 chapter at any time after the person's sentencing or after the
2-67 person is placed on deferred adjudication.
2-68 (b) After a hearing on the petition described by Subsection
2-69 (a), the court may issue an order exempting the person from

3-1 registration under this chapter if the court finds that an
3-2 exemption would be in the best interest of justice.

3-3 (c) An order exempting the person from registration under
3-4 this chapter does not expire, except that the court may withdraw the
3-5 order if after the order is issued the person receives another
3-6 conviction or a grant of deferred adjudication for a misdemeanor or
3-7 felony offense under Section 42.092 or 42.10, Penal Code.

3-8 Art. 61A.06. FAILURE TO COMPLY WITH REGISTRATION
3-9 REQUIREMENTS. A person who fails to comply with any requirement of
3-10 this chapter shall be punished by a fine not to exceed \$500.

3-11 Art. 61A.07. FUNDING. The department may solicit and
3-12 accept a gift, grant, or donation from any source, including a
3-13 foundation, private entity, governmental entity, or institution of
3-14 higher education, for the establishment and maintenance of the
3-15 computerized central database described by this chapter and the
3-16 implementation of a related system of registration under this
3-17 chapter. The department shall establish and maintain the database
3-18 and implement the registration system only if sufficient funds are
3-19 available under this article for those purposes.

3-20 SECTION 3. Subsection (a), Section 411.135, Government
3-21 Code, is amended to read as follows:

3-22 (a) Any person is entitled to obtain from the department:

3-23 (1) any information described as public information
3-24 under Chapter 61A or 62, Code of Criminal Procedure, [~~as added by~~
3-25 ~~Chapter 668, Acts of the 75th Legislature, Regular Session, 1997,~~
3-26 including, to the extent available, a recent photograph of each
3-27 person subject to registration under Chapter 61A or 62 [~~that~~
3-28 ~~chapter~~]; and

3-29 (2) criminal history record information maintained by
3-30 the department that relates to the conviction of or a grant of
3-31 deferred adjudication to a person for any criminal offense,
3-32 including arrest information that relates to the conviction or
3-33 grant of deferred adjudication.

3-34 SECTION 4. (a) Chapter 61A, Code of Criminal Procedure, as
3-35 added by this Act, applies only to a person who is convicted of or
3-36 receives a grant of deferred adjudication for an offense committed
3-37 on or after the effective date of this Act. A person who is
3-38 convicted of or receives a grant of deferred adjudication for an
3-39 offense committed before the effective date of this Act is governed
3-40 by the law in effect on the date the offense was committed, and the
3-41 former law is continued in effect for that purpose. For purposes of
3-42 this subsection, an offense was committed before the effective date
3-43 of this Act if any element of the offense occurred before that date.

3-44 (b) As soon as practicable after sufficient funding becomes
3-45 available under Article 61A.07, Code of Criminal Procedure, as
3-46 added by this Act:

3-47 (1) the Department of Public Safety of the State of
3-48 Texas shall establish the requirements and procedures required by
3-49 Subsection (e), Article 61A.02, and Article 61A.03, Code of
3-50 Criminal Procedure, as added by this Act; and

3-51 (2) the central database required by Chapter 61A, Code
3-52 of Criminal Procedure, as added by this Act, must be designed and
3-53 implemented.

3-54 SECTION 5. This Act takes effect September 1, 2011.

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