

BILL ANALYSIS

H.B. 21
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Family violence, which includes dating violence, is a significant problem that destroys the family unit, one of society's fundamental institutions, and negatively affects thousands of Texans every year. Because of the nature of family violence and the fact that it often occurs in the privacy of the home, many offenses are never reported or punished. Under current law, Texas does not provide for a public database through which members of the public may search to see if someone has committed family violence.

To keep the public better informed and to prevent incidents of family violence, H.B. 21 establishes a public database containing certain information on people convicted three or more times of an offense involving family violence and a website through which the public can search the database.

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

H.B. 21 amends the Government Code to require the Department of Public Safety (DPS) to maintain a computerized central database containing information regarding persons who on three or more occasions have been convicted of an offense for which an affirmative finding of family violence was made and who were 17 years of age or older on the date at least three of those offenses were committed. The bill establishes that the information contained in the database is public information with the exception of the person's social security number, driver's license number, or telephone number or any information that would identify the victim of the offense with respect to which the affirmative finding was made. The bill specifies the information that the database must contain, requires DPS to permit a person whose name is included in the database to petition DPS for removal of the person's name from the database, and requires DPS to remove the name under certain conditions. The bill requires DPS to include on the website through which a person may search the database information regarding the manner in which a person may petition DPS for removal of the person's name from the database and the circumstances under which DPS will grant the petition. The bill requires the central database to be designed and implemented no later than January 1, 2014, and restricts the information to be included in the database to information concerning persons convicted of at least one offense committed on or after the bill's effective date.

H.B. 21 prohibits DPS from charging for processing an electronic inquiry made through the use of the Internet for information in the central database established as public information under the bill's provisions. The bill includes public information contained in the database among the information that any person is entitled to obtain from DPS.

H.B. 21 amends the Code of Criminal Procedure to expand the category of offenses in the trial of

which a judge is required to make an affirmative finding of fact and to enter that finding in the judgment of the case on a determination that the victim or intended victim was younger than 17 years of age at the time of the offense to include any offense against a person.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.