

BILL ANALYSIS

C.S.H.B. 133
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Deaths resulting from alcohol-related car accidents occur daily in Texas. Interested parties note that while local and state law enforcement are aware of this dangerous problem and continue to focus on reducing these incidents, correcting the problem will take a concerted statewide effort by all citizens. C.S.H.B. 133 seeks to further the efforts to reduce occurrences of driving while intoxicated on Texas roads by requiring the Department of Public Safety to implement and maintain a website to allow members of the public to search for and obtain criminal history record information relating to intoxication manslaughter offenses involving the operation of a motor vehicle. Bill advocates contend that providing public access to this information will allow citizens to make informed decisions about who can be trusted to operate a vehicle and will equip law enforcement with better tools for tracking repeat offenders.

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. 133 amends the Government Code to make public criminal history record information concerning a person's conviction within the preceding 10-year period for intoxication manslaughter involving the operation of a motor vehicle. The bill exempts from such public information any information regarding the person's social security number, driver's license number, or telephone number and any information that would identify a victim of the offense.

C.S.H.B. 133 requires the Department of Public Safety (DPS) to implement and maintain an Internet website to allow any person, free of charge, to electronically search for and receive such public information and requires the website to be searchable by zip code, city, county, or the name of the person convicted. The bill requires that the search results include each convicted person's full name and last known address and a recent photograph of the person, if a photograph is available to DPS. The bill requires DPS to remove the criminal history record information concerning a person's conviction for intoxication manslaughter from the website as soon as practicable after the earliest of the 10th anniversary of the date of the conviction, the date on which the conviction is reversed on appeal, or the date on which an order of expunction is entered with respect to records and files in the case.

C.S.H.B. 133 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 may be provided any criminal history record information maintained by DPS concerning a conviction of the person to whom the license, certificate, or plate is issued for intoxication manslaughter within the preceding 10-year period. The bill requires such a 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 within the duration of a reasonable motor vehicle stop.

C.S.H.B. 133 requires DPS, not later than May 1, 2014, to implement the required Internet website and to make the criminal history record information available to a requesting person.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 133 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 411.135(a), Government Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Sections 411.1356 and 411.1357 to read as follows: <u>Sec. 411.1356. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES.</u> <u>(a) Criminal history record information that concerns a person's conviction within the preceding 10-year period for an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is public information, with the exception of:</u> <u>(1) any information regarding the person's social security number, driver's license number, or telephone number; and</u> <u>(2) any information that would identify a victim of the offense.</u> <u>(b) The department shall implement and maintain an Internet website to allow any person, free of charge, to electronically search for and receive information described by Subsection (a). The website must be searchable by zip code, city, county, or the name of the person convicted. The search results must include for each person convicted:</u> <u>(1) the person's full name and last known address; and</u> <u>(2) a recent photograph of the person, if a photograph is available to the department.</u> <u>(c) The department shall remove the criminal history record information concerning a person's conviction for an</u>	SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Sections 411.1356 and 411.1357 to read as follows: <u>Sec. 411.1356. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD INFORMATION CONCERNING OFFENSE OF INTOXICATION MANSLAUGHTER.</u> <u>(a) Criminal history record information that concerns a person's conviction within the preceding 10-year period for an offense under Section 49.08, Penal Code, is public information, with the exception of:</u> <u>(1) any information regarding the person's social security number, driver's license number, or telephone number; and</u> <u>(2) any information that would identify a victim of the offense.</u> <u>(b) The department shall implement and maintain an Internet website to allow any person, free of charge, to electronically search for and receive information described by Subsection (a). The website must be searchable by zip code, city, county, or the name of the person convicted. The search results must include for each person convicted:</u> <u>(1) the person's full name and last known address; and</u> <u>(2) a recent photograph of the person, if a photograph is available to the department.</u> <u>(c) The department shall remove the criminal history record information concerning a person's conviction for an offense under</u>

offense listed in Subsection (a) from the Internet website as soon as practicable after the earliest of:

(1) the 10th anniversary of the date of the conviction;

(2) the date on which the conviction is reversed on appeal; or

(3) the date on which an order of expunction is entered with respect to records and files in the case.

Sec. 411.1357. CRIMINAL HISTORY RECORD INFORMATION

CONCERNING CERTAIN

INTOXICATION OFFENSES

PROVIDED TO PEACE OFFICER ON REQUEST. (a) The department shall

establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a

driver's license number, personal identification certificate number, or license

plate number may be provided any criminal history record information maintained by

the department concerning a conviction of the person to whom the license, certificate,

or plate is issued for an offense under Section 49.04, 49.045, 49.07, or 49.08,

Penal Code, within the preceding 10-year period.

(b) The procedure established under Subsection (a) must allow a peace officer

to request the information from the location of a motor vehicle stop and to receive a

response to the request within the duration of a reasonable motor vehicle stop.

SECTION 3. Not later than May 1, 2014, the Department of Public Safety shall implement the Internet website required under Section 411.1356, Government Code, as added by this Act, and shall make available to a requesting person the information described by Section 411.1356 or 411.1357, Government Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2013.

Section 49.08, Penal Code, from the Internet website as soon as practicable after the earliest of:

(1) the 10th anniversary of the date of the conviction;

(2) the date on which the conviction is reversed on appeal; or

(3) the date on which an order of expunction is entered with respect to records and files in the case.

Sec. 411.1357. CRIMINAL HISTORY RECORD INFORMATION CONCERNING

OFFENSE OF INTOXICATION

MANSLAUGHTER PROVIDED TO

PEACE OFFICER ON REQUEST. (a) The department shall establish a procedure by

which a peace officer or employee of a law enforcement agency who provides the

department with a driver's license number, personal identification certificate number, or

license plate number may be provided any criminal history record information

maintained by the department concerning a conviction of the person to whom the license,

certificate, or plate is issued for an offense under Section 49.08, Penal Code, within the

preceding 10-year period.

(b) The procedure established under Subsection (a) must allow a peace officer to

request the information from the location of a motor vehicle stop and to receive a response

to the request within the duration of a reasonable motor vehicle stop.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.