

By: Martinez Fischer, Villalba

H.B. No. 21

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a central database containing information about
3 offenders who have committed certain offenses against children or
4 offenses involving family or dating violence.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 42.015, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 42.015. FINDING OF AGE OF VICTIM. In the trial of an
9 offense under Title 5 [~~Section 20.02, 20.03, or 20.04~~], Penal Code,
10 or an attempt, conspiracy, or solicitation to commit one of those
11 offenses, the judge shall make an affirmative finding of fact and
12 enter the affirmative finding in the judgment in the case if the
13 judge determines that the victim or intended victim was younger
14 than 17 years of age at the time of the offense.

15 SECTION 2. Section 411.088(b), Government Code, is amended
16 to read as follows:

17 (b) The department may not charge for processing an
18 electronic inquiry, made through the use of the Internet, for
19 information described as public information under:

20 (1) Section 411.1355; or

21 (2) Article 62.005, Code of Criminal Procedure [~~made~~
22 ~~through the use of the Internet~~].

23 SECTION 3. Section 411.135(a), Government Code, is amended
24 to read as follows:

1 (a) Any person is entitled to obtain from the department:

2 (1) any information described as public information
3 under Chapter 62, Code of Criminal Procedure, [~~as added by Chapter~~
4 ~~668, Acts of the 75th Legislature, Regular Session, 1997,~~]
5 including, to the extent available, a recent photograph of each
6 person subject to registration under that chapter; [~~and~~]

7 (2) criminal history record information maintained by
8 the department that relates to the conviction of or a grant of
9 deferred adjudication to a person for any criminal offense,
10 including arrest information that relates to the conviction or
11 grant of deferred adjudication; and

12 (3) any information described as public information
13 under Section 411.1355.

14 SECTION 4. Subchapter F, Chapter 411, Government Code, is
15 amended by adding Section 411.1355 to read as follows:

16 Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE
17 COMMITTED OFFENSES INVOLVING FAMILY VIOLENCE. (a) The department
18 shall maintain a computerized central database containing
19 information regarding persons who:

20 (1) on three or more occasions have been convicted of
21 an offense for which an affirmative finding of family violence was
22 made under Article 42.013 or 42.015, Code of Criminal Procedure;
23 and

24 (2) were 17 years of age or older on the date at least
25 three of the offenses described by Subdivision (1) were committed.

26 (b) The information contained in the database is public
27 information, with the exception of any information:

1 (1) regarding the person's social security number,
2 driver's license number, or telephone number; or

3 (2) that would identify the victim of the offense with
4 respect to which the affirmative finding was made.

5 (c) The database maintained by the department under this
6 section must contain, to the extent the information is available to
7 the department:

8 (1) the person's full name, each alias used by the
9 person, and the person's date of birth;

10 (2) the person's last known address;

11 (3) a physical description and recent photograph of
12 the person;

13 (4) a list of offenses for which the person was
14 convicted and for which the court made an affirmative finding of
15 family violence, the date of conviction for each offense, and the
16 punishment prescribed for each offense; and

17 (5) an indication as to whether the person was
18 discharged, placed on community supervision, or released on parole
19 or to mandatory supervision following the conviction for each
20 offense.

21 (d) The department shall permit a person whose name is
22 included in the database established under this section to petition
23 the department for removal of the person's name from the database,
24 and the department shall remove the person's name from the database
25 in response to the petition if:

26 (1) an order of expunction is issued under Chapter 55,
27 Code of Criminal Procedure, with respect to one of the offenses

1 described by Subsection (a), unless the person has three or more
2 other convictions for an offense described by that subsection; or
3 (2) during the seven-year period preceding the date of
4 the petition, the person is not convicted of an offense described by
5 Subsection (a).

6 (e) On the website through which a person may search the
7 database described by this section, the department shall include
8 information regarding:

9 (1) the manner in which a person may petition the
10 department for removal of the person's name from the database; and

11 (2) the circumstances under which the department will
12 grant the petition.

13 SECTION 5. The central database required by Section
14 411.1355, Government Code, as added by this Act, must be designed
15 and implemented not later than January 1, 2014, and may only include
16 information concerning persons convicted of at least one offense
17 committed on or after the effective date of this Act for which an
18 affirmative finding of family violence is made under Article 42.013
19 or 42.015, Code of Criminal Procedure. For purposes of this
20 section, an offense was committed on or after the effective date of
21 this Act if each element of the offense occurred on or after that
22 date.

23 SECTION 6. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.