

By: Farrar

H.B. No. 3747

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a central database containing information about certain  
3 persons who have been convicted of or received a grant of deferred  
4 adjudication for certain offenses involving animal cruelty;  
5 providing a criminal penalty.

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

7 SECTION 1. Title 1, Code of Criminal Procedure, is amended  
8 by adding Chapter 61A to read as follows:

9 CHAPTER 61A. ANIMAL CRUELTY REGISTRATION PROGRAM

10 Art. 61A.01. DEFINITIONS. In this chapter:

11 (1) "Department" means the Department of Public  
12 Safety.

13 (2) "Local law enforcement authority" and "penal  
14 institution" have the meanings assigned by Article 62.001.

15 Art. 61A.02. CENTRAL DATABASE. (a) To the extent that  
16 funding is available under Article 61A.06, the department shall  
17 establish and maintain a computerized central database containing  
18 information regarding persons who:

19 (1) have been convicted of or received a grant of  
20 deferred adjudication for one or more felony offenses under Section  
21 42.092 or 42.10, Penal Code; and

22 (2) were 17 years of age or older at the time of the  
23 offense.

24 (b) If a computerized central database is established by the

1 department under Subsection (a), a person described by that  
2 subsection shall register as required by this chapter until the  
3 10th anniversary of the date the person was last convicted of or  
4 received a grant of deferred adjudication for an offense described  
5 by Subsection (a)(1).

6 (c) To the extent that funding is available under Article  
7 61A.06, the department, in cooperation with the Board of Pardons  
8 and Paroles, the Texas Department of Criminal Justice, and the  
9 Commission on Jail Standards, by rule shall design and implement a  
10 system for the registration of persons described by Subsection  
11 (a). The system must include requirements and procedures for:

12 (1) a person described by Subsection (a) to be  
13 notified, before the person's discharge or release, of the person's  
14 duty to register with a local law enforcement authority for the  
15 period required by Subsection (b);

16 (2) the person to register or verify registration  
17 with a local law enforcement authority:

18 (A) annually;

19 (B) every 90 days if the person is determined by  
20 the department to be high risk because of the person's status as a  
21 repeat offender; or

22 (C) every 30 days if the person does not have a  
23 permanent address;

24 (3) the person to register with a local law  
25 enforcement authority not later than five days after the date of a  
26 change in the person's address;

27 (4) the database to track whether a person described

1 by Subsection (a) is in compliance with registration requirements;

2 (5) a local law enforcement authority to promptly  
3 forward registration information to the department for use in the  
4 database;

5 (6) the database to track whether a person described  
6 by Subsection (a) is attending or is planning to attend a public or  
7 private institution of higher education and, if so, the department  
8 to promptly forward that information to the applicable institution  
9 of higher education;

10 (7) the inclusion in the database and on the  
11 department's Internet website of a recent photograph of the person,  
12 updated annually; and

13 (8) the department to update the database daily.

14 Art. 61A.03. INFORMATION PROVIDED TO LAW ENFORCEMENT ON  
15 REQUEST. (a) In this section, "animal control officer" has the  
16 meaning assigned by Section 829.001, Health and Safety Code.

17 (b) The department shall establish a procedure by which a  
18 peace officer, an animal control officer employed by a county or  
19 municipality, or an employee of a law enforcement agency who  
20 provides the department with a driver's license number, personal  
21 identification certificate number, or license plate number is  
22 automatically provided information as to whether the person to whom  
23 the driver's license or personal identification certificate is  
24 issued is required to register under this chapter or whether the  
25 license plate number is assigned to a vehicle owned or driven by a  
26 person required to register under this chapter.

27 Art. 61A.04. EXEMPTION FROM REGISTRATION FOR CERTAIN ANIMAL

1 CRUELTY OFFENDERS. (a) A person required to register under this  
2 chapter may petition the court having jurisdiction over the case  
3 for an order exempting the person from registration under this  
4 chapter at any time after the person's sentencing or after the  
5 person is placed on deferred adjudication.

6 (b) After a hearing on the petition described by Subsection  
7 (a), the court may issue an order exempting the person from  
8 registration under this chapter if the court finds that an  
9 exemption would be in the best interest of justice.

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

15 Art. 61A.05. FAILURE TO COMPLY WITH REGISTRATION  
16 REQUIREMENTS. (a) A person commits an offense if the person is  
17 required to register and fails to comply with any requirement of  
18 this chapter.

19 (b) An offense under this article is a Class C misdemeanor.

20 Art. 61A.06. FUNDING. The department may solicit and accept  
21 a gift, grant, or donation from any source, including a foundation,  
22 private entity, governmental entity, or institution of higher  
23 education, for the establishment and maintenance of the  
24 computerized central database described by this chapter and the  
25 implementation of a related system of registration under this  
26 chapter. The department shall establish and maintain the database  
27 and implement the registration system only if sufficient funds are

1 available under this article for those purposes.

2 SECTION 2. (a) Chapter 61A, Code of Criminal Procedure, as  
3 added by this Act, applies only to a person who is convicted of or  
4 receives a grant of deferred adjudication for an offense committed  
5 on or after the effective date of this Act. A person who is  
6 convicted of or receives a grant of deferred adjudication for an  
7 offense committed before the effective date of this Act is governed  
8 by the law in effect on the date the offense was committed, and the  
9 former law is continued in effect for that purpose. For purposes of  
10 this subsection, an offense was committed before the effective date  
11 of this Act if any element of the offense occurred before that date.

12 (b) As soon as practicable after sufficient funding becomes  
13 available under Article 61A.06, Code of Criminal Procedure, as  
14 added by this Act:

15 (1) the Department of Public Safety shall establish  
16 the requirements and procedures required by Chapter 61A, Code of  
17 Criminal Procedure, as added by this Act; and

18 (2) the central database required by Chapter 61A, Code  
19 of Criminal Procedure, as added by this Act, must be designed and  
20 implemented.

21 SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2013.