

By: Farrar

H.B. No. 1525

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. Section [411.088](#)(b), Government Code, is amended
7 to read as follows:

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

11 (1) Section [411.1355](#); or

12 (2) Article [62.005](#), Code of Criminal Procedure [~~made~~
13 ~~through the use of the Internet~~].

14 SECTION 2. Section [411.135](#)(a), Government Code, is amended
15 to read as follows:

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

17 (1) any information described as public information
18 under Chapter 62, Code of Criminal Procedure, including, to the
19 extent available, a recent photograph of each person subject to
20 registration under that chapter; [~~and~~]

21 (2) criminal history record information maintained by
22 the department that relates to the conviction of or a grant of
23 deferred adjudication to a person for any criminal offense,
24 including arrest information that relates to the conviction or

1 grant of deferred adjudication; and

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

4 SECTION 3. Subchapter F, Chapter 411, Government Code, is
5 amended by adding Section 411.1355 to read as follows:

6 Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE
7 COMMITTED OFFENSES INVOLVING FAMILY VIOLENCE. (a) The department
8 shall maintain a computerized central database containing
9 information regarding persons who:

10 (1) on three or more occasions have been convicted of
11 an offense for which an affirmative finding of family violence was
12 made under Article 42.013, Code of Criminal Procedure; and

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

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

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

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

21 (c) The database maintained by the department under this
22 section must contain, to the extent the information is available to
23 the department:

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

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

27 (3) a physical description and recent photograph of

1 the person;

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

6 (5) an indication as to whether the person was
7 discharged, placed on community supervision, or released on parole
8 or to mandatory supervision following the conviction for each
9 offense.

10 (d) The department shall permit a person whose name is
11 included in the database established under this section to petition
12 the department for removal of the person's name from the database,
13 and the department shall remove the person's name from the database
14 in response to the petition if:

15 (1) an order of expunction is issued under Chapter 55,
16 Code of Criminal Procedure, with respect to one of the offenses
17 described by Subsection (a), unless the person has three or more
18 other convictions for an offense described by that subsection; or

19 (2) during the 10-year period preceding the date of
20 the petition, the person is not convicted of an offense described by
21 Subsection (a).

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

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

27 (2) the circumstances under which the department will

1 grant the petition.

2 SECTION 4. The central database required by Section
3 411.1355, Government Code, as added by this Act, must be designed
4 and implemented not later than January 1, 2016, and may only include
5 information concerning persons convicted of at least one offense
6 committed on or after the effective date of this Act for which an
7 affirmative finding of family violence is made under Article
8 42.013, Code of Criminal Procedure. For purposes of this section,
9 an offense was committed on or after the effective date of this Act
10 if each element of the offense occurred on or after that date.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.