

By: Raymond

H.B. No. 3800

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the dissemination of criminal history record  
3 information by the Department of Public Safety concerning certain  
4 intoxication offenses.

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

6 SECTION 1. Section 411.135(a), Government Code, is amended  
7 to read as follows:

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

9 (1) any information described as public information  
10 under Chapter 62, Code of Criminal Procedure, including, to the  
11 extent available, a recent photograph of each person subject to  
12 registration under that chapter; ~~and~~

13 (2) criminal history record information maintained by  
14 the department that relates to the conviction of or a grant of  
15 deferred adjudication to a person for any criminal offense,  
16 including arrest information that relates to the conviction or  
17 grant of deferred adjudication; and

18 (3) any information described as public information  
19 under Section 411.1356(a).

20 SECTION 2. Subchapter F, Chapter 411, Government Code, is  
21 amended by adding Sections 411.1356 and 411.1357 to read as  
22 follows:

23 Sec. 411.1356. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD  
24 INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES. (a)

1 Criminal history record information that concerns a person's  
2 conviction within the preceding 10-year period for an offense under  
3 Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is public  
4 information, with the exception of:

5 (1) any information regarding the person's social  
6 security number, driver's license number, or telephone number; and

7 (2) any information that would identify a victim of  
8 the offense.

9 (b) The department shall implement and maintain an Internet  
10 website to allow any person, free of charge, to electronically  
11 search for and receive information described by Subsection (a). The  
12 website must be searchable by zip code, city, county, or the name of  
13 the person convicted. The search results must include for each  
14 person convicted:

15 (1) the person's full name and last known address; and

16 (2) a recent photograph of the person, if a photograph  
17 is available to the department.

18 (c) The department shall remove the criminal history record  
19 information concerning a person's conviction for an offense listed  
20 in Subsection (a) from the Internet website as soon as practicable  
21 after the earliest of:

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

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

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

1       Sec. 411.1357. CRIMINAL HISTORY RECORD INFORMATION  
2 CONCERNING CERTAIN INTOXICATION OFFENSES PROVIDED TO PEACE OFFICER  
3 ON REQUEST. (a) The department shall establish a procedure by  
4 which a peace officer or employee of a law enforcement agency who  
5 provides the department with a driver's license number, personal  
6 identification certificate number, or license plate number may be  
7 provided any criminal history record information maintained by the  
8 department concerning a conviction of the person to whom the  
9 license, certificate, or plate is issued for an offense under  
10 Section 49.04, 49.045, 49.07, or 49.08, Penal Code, within the  
11 preceding 10-year period.

12       (b) The procedure established under Subsection (a) must  
13 allow a peace officer to request the information from the location  
14 of a motor vehicle stop and to receive a response to the request  
15 within the duration of a reasonable motor vehicle stop.

16       SECTION 3. Not later than May 1, 2016, the Department of  
17 Public Safety shall implement the Internet website required under  
18 Section 411.1356, Government Code, as added by this Act, and shall  
19 make available to a requesting person the information described by  
20 Section 411.1356 or 411.1357, Government Code, as added by this  
21 Act.

22       SECTION 4. This Act takes effect September 1, 2015.