

By: Farrar

H.B. No. 749

A BILL TO BE ENTITLED

AN ACT

1
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 community supervision for certain offenses involving
5 animal cruelty; creating a criminal offense.

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 community supervision for one or more felony
21 offenses under Section 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 community supervision for
5 an offense described 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 (a).
11 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 with
17 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 article, "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 community supervision.

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 the
12 order if after the order is issued the person receives another
13 conviction or a grant of deferred adjudication community
14 supervision for a misdemeanor or felony offense under Section
15 42.092 or 42.10, Penal Code.

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

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

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

1 and implement the registration system only if sufficient funds are
2 available under this article for those purposes.

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

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

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

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

23 SECTION 3. 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, 2017.