86R11028 ADM-D

By:  Fallon S.B. No. 2230

A BILL TO BE ENTITLED

AN ACT

relating to a central database containing information about violent offenders.

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

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

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

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

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

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

SECTION 2.  Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1355 to read as follows:

Sec. 411.1355.  CENTRAL DATABASE OF VIOLENT OFFENDERS. (a) In this section:

(1)  "Internet domain name" has the meaning assigned by Section 325.002, Business & Commerce Code.

(2)  "Local law enforcement authority" has the meaning assigned by Article 62.001, Code of Criminal Procedure.

(3)  "Web page" has the meaning assigned by Section 325.002, Business & Commerce Code.

(b)  The department shall maintain a computerized central database containing information, including address information, regarding persons who:

(1)  have been convicted of or received a grant of deferred adjudication community supervision for, or have received a juvenile adjudication or deferral for, an offense:

(A)  listed in Article 42A.054(a), Code of Criminal Procedure; or

(B)  for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure; and

(2)  in connection with the conviction, grant, adjudication, or deferral, were subsequently discharged, paroled, placed in a nonsecure community program for juvenile offenders, or placed on juvenile probation, community supervision, or mandatory supervision.

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

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

(2)  that would identify the victim of the applicable offense.

(d)  The department, in cooperation with the Board of Pardons and Paroles, the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and the Commission on Jail Standards, shall by rule design and implement a system for the registration of persons described by Subsection (b). The system must establish requirements and procedures for:

(1)  an offender to be notified, before the offender's release, of the offender's duty to register with a local law enforcement authority;

(2)  the offender to register with a local law enforcement authority:

(A)  annually;

(B)  every 90 days if the offender is determined by the department to be high risk because of the offender's status as a repeat offender or because of the violent nature of the offense charged; or

(C)  every 30 days if the offender does not have a permanent address;

(3)  the offender to register with a local law enforcement authority not later than five days after the date the offender changes address;

(4)  an offender who operates an online business to:

(A)  disclose the name, Internet domain name, and web page of the business, if applicable, to the local law enforcement authority with whom the offender registers; and

(B)  notify the local law enforcement authority not later than five days after the date the name, Internet domain name, or web page of the business changes;

(5)  the offender to request and be granted an exclusion from the database;

(6)  the database to track whether an offender is in compliance with registration requirements and, if an offender is not in compliance, to make that information available to a person who requests the information;

(7)  a local law enforcement agency to promptly forward registration information to the department for use in the database; and

(8)  the department to update the database daily.

(e)  This section does not apply to a person about whom information is included in the database maintained under Article 62.005, Code of Criminal Procedure. Procedures relating to the dissemination of information about those persons and registration requirements for those persons are as provided by Chapter 62, Code of Criminal Procedure, and by Section 411.135.

SECTION 3.  The central database required by Section 411.1355, Government Code, as added by this Act, must be designed and implemented not later than March 1, 2020.

SECTION 4.  (a) Except as provided by Subsection (b) of this section, this Act takes effect March 1, 2020.

(b)  SECTION 3 of this Act takes effect September 1, 2019.