

By: Raymond

H.B. No. 107

A BILL TO BE ENTITLED

AN ACT

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

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 to a person for any criminal offense, including arrest information that relates to the conviction or grant of deferred adjudication; and

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

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

Sec. 411.1356. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD 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 or personal identification
7 certificate number, or telephone number; and

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

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

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

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

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

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

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

27 (3) the date on which an order of nondisclosure of

1 criminal history record information under Subchapter E-1 is issued
2 with respect to that conviction; or

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

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

16 (b) The procedure established under Subsection (a) must
17 allow a peace officer to request the information from the location
18 of a motor vehicle stop and to receive a response to the request
19 within the duration of a reasonable motor vehicle stop.

20 SECTION 3. Not later than August 1, 2020, the Department of
21 Public Safety shall implement the Internet website required under
22 Section 411.1356, Government Code, as added by this Act, and shall
23 make available to a requesting person the information described by
24 Section 411.1356 or 411.1357, Government Code, as added by this
25 Act.

26 SECTION 4. This Act takes effect December 1, 2019.