

By: Hernandez

H.B. No. 842

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. Article 42.015(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) In the trial of an offense under Title 5 [~~Section 20.02,~~
9 ~~20.03, or 20.04~~], Penal Code, or an attempt, conspiracy, or
10 solicitation to commit one of those offenses, the judge shall make
11 an affirmative finding of fact and enter the affirmative finding in
12 the judgment in the case if the judge determines that the victim or
13 intended victim was younger than 17 years of age at the time of the
14 offense.

15 SECTION 2. Section 411.088(b), Government Code, is amended
16 to read as follows:

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

20 (1) Section 411.1355; or

21 (2) Article 62.005, Code of Criminal Procedure [~~made~~
22 ~~through the use of the Internet~~].

23 SECTION 3. Section 411.135(a), Government Code, is amended
24 to read as follows:

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

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

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

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

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

15 Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE
16 COMMITTED CERTAIN VIOLENT OFFENSES. (a) The department shall
17 maintain a computerized central database containing information
18 regarding persons who:

19 (1) on three or more occasions have been convicted of:

20 (A) an offense for which an affirmative finding
21 was made under Article 42.013 or 42.015, Code of Criminal
22 Procedure;

23 (B) an offense under Section 21.16, Penal Code;
24 or

25 (C) any combination of offenses described by
26 Paragraph (A) or (B); and

27 (2) were 17 years of age or older on the date at least

1 three of the offenses described by Subdivision (1) were committed.

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

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

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

7 (c) The database maintained by the department under this
8 section must contain, to the extent the information is available to
9 the department:

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

12 (2) a physical description and recent photograph of
13 the person;

14 (3) a list of offenses described by Subsection (a) for
15 which the person was convicted, the date of conviction for each
16 offense, and the punishment prescribed for each offense; and

17 (4) an indication as to whether the person was
18 discharged, placed on community supervision, or released on parole
19 or to mandatory supervision following the conviction for each
20 offense.

21 (d) The department shall permit a person whose name is
22 included in the database established under this section to petition
23 the department for removal of the person's name from the database,
24 and the department shall remove the person's name from the database
25 in response to the petition if:

26 (1) an order of expunction is issued under Chapter 55,
27 Code of Criminal Procedure, with respect to one of the offenses

1 described by Subsection (a), unless the person has three or more
2 other convictions for an offense described by that subsection; or
3 (2) during the seven-year period preceding the date of
4 the petition, the person is not convicted of an offense described by
5 Subsection (a).

6 (e) On the Internet website through which a person may
7 search the database described by this section, the department shall
8 include information regarding:

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

11 (2) the circumstances under which the department will
12 grant the petition; and

13 (3) contact information for family violence
14 organizations.

15 (f) The department shall consult with a representative of a
16 statewide advocacy organization for issues related to family
17 violence regarding implementation of the database and the
18 information required to be included on the database website under
19 Subsection (e)(3).

20 SECTION 5. The central database required by Section
21 411.1355, Government Code, as added by this Act, must be designed
22 and implemented not later than January 1, 2020, and may only include
23 information concerning persons convicted of at least one offense
24 described by Subsection (a) of that section committed on or after
25 the effective date of this Act. For purposes of this section, an
26 offense was committed on or after the effective date of this Act if
27 each element of the offense occurred on or after that date.

1 SECTION 6. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2019.