

By: Fallon

S.B. No. 2230

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a central database containing information about violent  
3 offenders.

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

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

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

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

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

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

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

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

24 (1) "Internet domain name" has the meaning assigned by

1 Section 325.002, Business & Commerce Code.

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

4 (3) "Web page" has the meaning assigned by Section  
5 325.002, Business & Commerce Code.

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

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

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

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

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

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

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

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

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

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

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

12                   (A) annually;

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

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

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

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

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

26                   (B) notify the local law enforcement authority  
27 not later than five days after the date the name, Internet domain

1 name, or web page of the business changes;

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

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

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

11 (8) the department to update the database daily.

12 (e) This section does not apply to a person about whom  
13 information is included in the database maintained under Article  
14 62.005, Code of Criminal Procedure. Procedures relating to the  
15 dissemination of information about those persons and registration  
16 requirements for those persons are as provided by Chapter 62, Code  
17 of Criminal Procedure, and by Section 411.135.

18 SECTION 3. The central database required by Section  
19 411.1355, Government Code, as added by this Act, must be designed  
20 and implemented not later than March 1, 2020.

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

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