By:  Neave Criado, et al. (Senate Sponsor - Whitmire) H.B. No. 5202

(In the Senate - Received from the House May 10, 2023; May 15, 2023, read first time and referred to Committee on Criminal Justice; May 19, 2023, reported favorably by the following vote: Yeas 7, Nays 0; May 19, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt     X

Hinojosa        X

Huffman         X

King            X

Miles           X

A BILL TO BE ENTITLED

AN ACT

relating to a central database containing information about offenders who have committed certain violent offenses.

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

SECTION 1.  Section 411.088(b), Government Code, is amended to read as follows:

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

(1)  Section 411.1355; or

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

SECTION 2.  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 411.1355.

SECTION 3.  Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1355 to read as follows:

Sec. 411.1355.  CENTRAL DATABASE OF OFFENDERS WHO HAVE COMMITTED CERTAIN VIOLENT OFFENSES. (a) The department shall maintain a computerized central database containing information regarding persons who on two or more occasions have been convicted of:

(1)  an offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code, for which an affirmative finding was made under Article 42.013, Code of Criminal Procedure;

(2)  an offense under Section 25.11 or 42.072, Penal Code; or

(3)  any combination of offenses described by Subdivision (1) or (2).

(b)  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 offense.

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

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

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

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

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

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

(1)  an order of expunction is issued under Chapter 55, Code of Criminal Procedure, with respect to one of the offenses described by Subsection (a), unless the person has been convicted three or more times of an offense described by that subsection; or

(2)  during the seven-year period preceding the date of the petition, the person is not convicted of an offense described by Subsection (a).

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

(1)  the manner in which a person may petition the department for removal of a person's name from the database, including any forms required by the department for the petitions to be used for the purpose;

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

(3)  contact information for family violence organizations.

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

SECTION 4.  (a) The central database required by Section 411.1355, Government Code, as added by this Act, must be designed and implemented not later than January 1, 2024, and must include the information of offenders to which that section applies, regardless of whether the offenses were committed before, on, or after the effective date of this Act, subject to Subsection (b) of this section.

(b)  The Department of Public Safety may not include information concerning a person convicted of two or more offenses described by Section 411.1355(a), Government Code, as added by this Act, that were committed before the effective date of this Act if on the date the department implements the database the department would be required to remove the person's name from the database under Subsection (d) of that section in response to a petition filed by the person under that subsection.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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