

By: Raymond

H.B. No. 1720

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the dissemination of criminal history record
3 information by the Department of Public Safety concerning certain
4 intoxication offenses.

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

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

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

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

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

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

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

23 Sec. 411.1356. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD
24 INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES. (a)

1 Criminal history record information that concerns a person's
2 conviction or placement on deferred adjudication community
3 supervision within the preceding 10-year period for an offense
4 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is public
5 information, with the exception of:

6 (1) any information regarding the person's social
7 security number, driver's license or personal identification
8 certificate number, or telephone number; and

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

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

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

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

22 (c) The department shall remove the criminal history record
23 information concerning a person's conviction or placement on
24 deferred adjudication community supervision for an offense listed
25 in Subsection (a) from the Internet website as soon as practicable
26 after the earliest of:

27 (1) the 10th anniversary of the date of the conviction

1 or placement on deferred adjudication community supervision;

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

4 (3) the date on which an order of nondisclosure of
5 criminal history record information under Subchapter E-1 is issued
6 with respect to the conviction or placement on deferred
7 adjudication community supervision; or

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

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

22 (b) The procedure established under Subsection (a) must
23 allow a peace officer to request the information from the location
24 of a motor vehicle stop and to receive a response to the request
25 within the duration of a reasonable motor vehicle stop.

26 SECTION 3. Not later than August 1, 2024, the Department of
27 Public Safety shall implement the Internet website required under

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1 Section 411.1356, Government Code, as added by this Act, and shall
2 make available to a requesting person the information described by
3 Section 411.1356 or 411.1357, Government Code, as added by this
4 Act.

5 SECTION 4. This Act takes effect December 1, 2023.