

By: Neave Criado, Button, Meyer

H.B. No. 5202

Substitute the following for H.B. No. 5202:

By: Bowers

C.S.H.B. No. 5202

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

1 (3) any information described as public information
2 under Section 411.1355.

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

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

10 (1) an offense under Section 22.01, 22.011, 22.02, or
11 22.021, Penal Code, for which an affirmative finding was made under
12 Article 42.013, Code of Criminal Procedure;

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

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

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

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

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

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

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

27 (2) a physical description and recent photograph of

1 the person;

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

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

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

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

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

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

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

27 (2) the circumstances under which the department will

1 grant a petition; and

2 (3) contact information for family violence
3 organizations.

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

9 SECTION 4. (a) The central database required by Section
10 411.1355, Government Code, as added by this Act, must be designed
11 and implemented not later than January 1, 2024, and must include the
12 information of offenders to which that section applies, regardless
13 of whether the offenses were committed before, on, or after the
14 effective date of this Act, subject to Subsection (b) of this
15 section.

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

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

C.S.H.B. No. 5202

1 Act takes effect September 1, 2023.