

1-1 By: Neave Criado, et al. (Senate Sponsor - Whitmire)H.B. No. 5202
1-2 (In the Senate - Received from the House May 10, 2023;
1-3 May 15, 2023, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2023, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to a central database containing information about
1-18 offenders who have committed certain violent offenses.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 411.088(b), Government Code, is amended
1-21 to read as follows:

1-22 (b) The department may not charge for processing an
1-23 electronic inquiry, made through the use of the Internet, for
1-24 information described as public information under:

1-25 (1) Section 411.1355; or

1-26 (2) Article 62.005, Code of Criminal Procedure [~~made~~
1-27 ~~through the use of the Internet~~].

1-28 SECTION 2. Section 411.135(a), Government Code, is amended
1-29 to read as follows:

1-30 (a) Any person is entitled to obtain from the department:

1-31 (1) any information described as public information
1-32 under Chapter 62, Code of Criminal Procedure, including, to the
1-33 extent available, a recent photograph of each person subject to
1-34 registration under that chapter; ~~and~~

1-35 (2) criminal history record information maintained by
1-36 the department that relates to the conviction of or a grant of
1-37 deferred adjudication to a person for any criminal offense,
1-38 including arrest information that relates to the conviction or
1-39 grant of deferred adjudication; and

1-40 (3) any information described as public information
1-41 under Section 411.1355.

1-42 SECTION 3. Subchapter F, Chapter 411, Government Code, is
1-43 amended by adding Section 411.1355 to read as follows:

1-44 Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE
1-45 COMMITTED CERTAIN VIOLENT OFFENSES. (a) The department shall
1-46 maintain a computerized central database containing information
1-47 regarding persons who on two or more occasions have been convicted
1-48 of:

1-49 (1) an offense under Section 22.01, 22.011, 22.02, or
1-50 22.021, Penal Code, for which an affirmative finding was made under
1-51 Article 42.013, Code of Criminal Procedure;

1-52 (2) an offense under Section 25.11 or 42.072, Penal
1-53 Code; or

1-54 (3) any combination of offenses described by
1-55 Subdivision (1) or (2).

1-56 (b) The information contained in the database is public
1-57 information, with the exception of any information:

1-58 (1) regarding the person's social security number,
1-59 driver's license number, or telephone number; or

1-60 (2) that would identify the victim of the offense.

1-61 (c) The database maintained by the department under this

2-1 section must contain, to the extent the information is available to
2-2 the department:

2-3 (1) the person's full name, each alias used by the
2-4 person, and the person's date of birth;

2-5 (2) a physical description and recent photograph of
2-6 the person;

2-7 (3) a list of offenses described by Subsection (a) of
2-8 which the person was convicted, the date of conviction of each
2-9 offense, and the punishment prescribed for each offense; and

2-10 (4) an indication as to whether the person was
2-11 discharged, placed on community supervision, or released on parole
2-12 or to mandatory supervision following conviction of each offense.

2-13 (d) The department shall permit a person whose name is
2-14 included in the database established under this section to petition
2-15 the department for removal of the person's name from the database,
2-16 and the department shall remove the person's name from the database
2-17 in response to the petition if:

2-18 (1) an order of expunction is issued under Chapter 55,
2-19 Code of Criminal Procedure, with respect to one of the offenses
2-20 described by Subsection (a), unless the person has been convicted
2-21 three or more times of an offense described by that subsection; or

2-22 (2) during the seven-year period preceding the date of
2-23 the petition, the person is not convicted of an offense described by
2-24 Subsection (a).

2-25 (e) On the Internet website through which a person may
2-26 search the database described by this section, the department shall
2-27 include in a prominent location information regarding:

2-28 (1) the manner in which a person may petition the
2-29 department for removal of a person's name from the database,
2-30 including any forms required by the department for the petitions to
2-31 be used for the purpose;

2-32 (2) the circumstances under which the department will
2-33 grant a petition; and

2-34 (3) contact information for family violence
2-35 organizations.

2-36 (f) The department shall consult with a representative of a
2-37 statewide advocacy organization for issues related to family
2-38 violence and victim safety regarding implementation of the database
2-39 and the information required to be included on the database website
2-40 under Subsection (e)(3).

2-41 SECTION 4. (a) The central database required by Section
2-42 411.1355, Government Code, as added by this Act, must be designed
2-43 and implemented not later than January 1, 2024, and must include the
2-44 information of offenders to which that section applies, regardless
2-45 of whether the offenses were committed before, on, or after the
2-46 effective date of this Act, subject to Subsection (b) of this
2-47 section.

2-48 (b) The Department of Public Safety may not include
2-49 information concerning a person convicted of two or more offenses
2-50 described by Section 411.1355(a), Government Code, as added by this
2-51 Act, that were committed before the effective date of this Act if on
2-52 the date the department implements the database the department
2-53 would be required to remove the person's name from the database
2-54 under Subsection (d) of that section in response to a petition filed
2-55 by the person under that subsection.

2-56 SECTION 5. This Act takes effect immediately if it receives
2-57 a vote of two-thirds of all the members elected to each house, as
2-58 provided by Section 39, Article III, Texas Constitution. If this
2-59 Act does not receive the vote necessary for immediate effect, this
2-60 Act takes effect September 1, 2023.

2-61 * * * * *