

By: McLaughlin

H.B. No. 2956

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a central database containing information about certain
3 persons who have been convicted of or received a grant of deferred
4 adjudication community supervision for certain offenses involving
5 family violence and related notice requirements; creating a
6 criminal offense.

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

8 SECTION 1. Title 1, Code of Criminal Procedure, is amended
9 by adding Chapter 61 to read as follows:

10 CHAPTER 61. FAMILY VIOLENCE REGISTRATION PROGRAM

11 Art. 61.01. DEFINITIONS. In this chapter:

12 (1) "Department" means the Department of Public
13 Safety.

14 (2) "Local law enforcement authority" has the meaning
15 assigned by Article 62.001.

16 (3) "Offense involving family violence" means an
17 offense:

18 (A) for which an affirmative finding of family
19 violence was made under Article 42.013;

20 (B) under Section 25.11, Penal Code;

21 (C) under Title 5, Penal Code, if the offense is
22 committed against a person whose relationship to or association
23 with the defendant is described by Section 71.0021(b), 71.003, or
24 71.005, Family Code; or

1 (D) under Section 25.07 or 25.072, Penal Code, if
2 the violation that is an element of the offense occurred through the
3 commission of an offense described by Paragraph (C).

4 Art. 61.02. CENTRAL DATABASE. (a) To the extent that
5 funding is available under Article 61.08, the department shall
6 establish and maintain a computerized central database containing
7 information regarding persons who:

8 (1) have been convicted of or received a grant of
9 deferred adjudication community supervision for one or more
10 offenses involving family violence; and

11 (2) were 17 years of age or older at the time of the
12 offense.

13 (b) If a computerized central database is established by the
14 department under Subsection (a), a person described by that
15 subsection shall register as required by this chapter until the
16 10th anniversary of the date the person was last convicted of or
17 received a grant of deferred adjudication community supervision for
18 an offense involving family violence.

19 (c) To the extent that funding is available under Article
20 61.08, the department, in cooperation with the Board of Pardons and
21 Paroles, the Texas Department of Criminal Justice, and the
22 Commission on Jail Standards, by rule shall design and implement a
23 system for the registration of persons described by Subsection (a).
24 The system must include requirements and procedures for:

25 (1) a person described by Subsection (a) to be
26 notified, before the person's discharge or release, of the person's
27 duty to register with a local law enforcement authority for the

1 period required by Subsection (b);

2 (2) the person to register or verify registration with
3 a local law enforcement authority;

4 (A) annually;

5 (B) every 90 days if the person is determined by
6 the department to be high risk because of the person's status as a
7 repeat offender; or

8 (C) every 30 days if the person does not have a
9 permanent address;

10 (3) the person to register with a local law
11 enforcement authority not later than five days after the date of a
12 change in the person's address;

13 (4) the database to track whether a person described
14 by Subsection (a) is in compliance with registration requirements;

15 (5) a local law enforcement authority to promptly
16 forward registration information to the department for use in the
17 database;

18 (6) the database to track whether a person described
19 by Subsection (a) is attending or is planning to attend a public or
20 private institution of higher education and, if so, the department
21 to promptly forward that information to the applicable institution
22 of higher education;

23 (7) the inclusion in the database and on the
24 department's Internet website of a recent photograph of the person,
25 updated annually; and

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

27 (d) The department shall publish on its Internet website all

1 public information contained in the database.

2 Art. 61.03. PUBLIC INFORMATION. The information contained
3 in the computerized central database under this chapter is public
4 information, with the exception of any information:

5 (1) regarding the person's social security number or
6 driver's license number, or any home, work, or cellular telephone
7 number of the person;

8 (2) regarding an employer's name, address, or
9 telephone number; or

10 (3) that would identify the victim of an offense for
11 which the person is subject to registration.

12 Art. 61.04. PUBLIC NOTICE REQUIRED. (a) On notice by a
13 local law enforcement authority of the registration of a person
14 under this chapter or the person's change of address, the
15 department shall, not later than the 10th day after the date on
16 which the department received notice, provide written notice mailed
17 or delivered to at least each address, other than a post office box,
18 within a one-mile radius, in an area that has not been subdivided,
19 or a three-block area, in an area that has been subdivided, of the
20 place where the person resides. In providing written notice under
21 this subsection, the department shall use employees of the
22 department whose duties in providing the notice are in addition to
23 the employees' regular duties.

24 (b) The department shall provide the notice in English and
25 Spanish and shall include in the notice any information that is
26 public information under this chapter. The department may not
27 include any information that is not public information under this

1 chapter.

2 (c) The department shall establish procedures for a person
3 with respect to whom notice is provided under Subsection (a) to pay
4 to the department all costs incurred by the department in providing
5 the notice. The person shall pay those costs in accordance with the
6 procedures established under this subsection.

7 (d) On registration by a person subject to registration
8 under this chapter, a local law enforcement authority may provide
9 notice to the public in any manner determined appropriate by the
10 local law enforcement authority, including publishing notice in a
11 newspaper or other periodical or circular in circulation in the
12 area where the person resides, holding a neighborhood meeting,
13 posting notices in the area where the person resides, distributing
14 printed notices to area residents, or establishing a specialized
15 local website. The local law enforcement authority may include in
16 the notice only information that is public information under this
17 chapter.

18 (e) An owner, builder, seller, or lessor of a single-family
19 residential real property or any improvement to residential real
20 property or that person's broker, salesperson, or other agent or
21 representative in a residential real estate transaction does not
22 have a duty to make a disclosure to a prospective buyer or lessee
23 about registrants under this chapter.

24 Art. 61.05. INFORMATION PROVIDED TO LAW ENFORCEMENT ON
25 REQUEST. The department shall establish a procedure by which a
26 peace officer or an employee of a local law enforcement authority
27 who provides the department with a driver's license number,

1 personal identification certificate number, or license plate
2 number is automatically provided information as to whether the
3 person to whom the driver's license or personal identification
4 certificate is issued is required to register under this chapter or
5 whether the license plate number is assigned to a vehicle owned or
6 driven by a person required to register under this chapter.

7 Art. 61.06. EXEMPTION FROM REGISTRATION FOR CERTAIN FAMILY
8 VIOLENCE OFFENDERS. (a) A person required to register under this
9 chapter may petition the court having jurisdiction over the case
10 for an order exempting the person from registration under this
11 chapter at any time after the person's sentencing or after the
12 person is placed on deferred adjudication community supervision.

13 (b) After a hearing on the petition described by Subsection
14 (a), the court may issue an order exempting the person from
15 registration under this chapter if the court finds that an
16 exemption would be in the best interest of justice.

17 (c) An order exempting the person from registration under
18 this chapter does not expire, except that the court may withdraw the
19 order if after the order is issued the person receives another
20 conviction or a grant of deferred adjudication community
21 supervision for an offense involving family violence.

22 Art. 61.07. FAILURE TO COMPLY WITH REGISTRATION
23 REQUIREMENTS; OFFENSE. (a) A person commits an offense if the
24 person is required to register and fails to comply with any
25 requirement of this chapter.

26 (b) An offense under this article is a Class C misdemeanor.

27 Art. 61.08. FUNDING. The department may solicit and accept

1 a gift, grant, or donation from any source, including a foundation,
2 private entity, governmental entity, or institution of higher
3 education, for the establishment and maintenance of the
4 computerized central database described by this chapter and the
5 implementation of a related system of registration under this
6 chapter. The department shall establish and maintain the database
7 and implement the registration system only if sufficient funds are
8 available under this article for those purposes.

9 SECTION 2. Section 411.135(a), Government Code, is amended
10 to read as follows:

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

12 (1) any information described as public information
13 under Chapter 61 or 62, Code of Criminal Procedure, including, to
14 the extent available, a recent photograph of each person subject to
15 registration under Chapter 61 or 62 [~~that chapter~~];

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

21 (3) any information described as public information
22 under Section 411.1355.

23 SECTION 3. (a) Chapter 61, Code of Criminal Procedure, as
24 added by this Act, applies only to a person who is convicted of or
25 receives a grant of deferred adjudication community supervision for
26 an offense committed on or after the effective date of this Act. A
27 person who is convicted of or receives a grant of deferred

1 adjudication community supervision for an offense committed before
2 the effective date of this Act is governed by the law in effect on
3 the date the offense was committed, and the former law is continued
4 in effect for that purpose. For purposes of this subsection, an
5 offense was committed before the effective date of this Act if any
6 element of the offense occurred before that date.

7 (b) As soon as practicable after sufficient funding becomes
8 available under Article 61.08, Code of Criminal Procedure, as added
9 by this Act:

10 (1) the Department of Public Safety shall establish
11 the requirements and procedures required by Chapter 61, Code of
12 Criminal Procedure, as added by this Act; and

13 (2) the central database required by Chapter 61, Code
14 of Criminal Procedure, as added by this Act, must be designed and
15 implemented.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2025.