

By: Raymond

H.B. No. 3800

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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 411.1356(a).

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

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

Criminal history record information that concerns a person's conviction within the preceding 10-year period for an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is public information, with the exception of:

(1) any information regarding the person's social security number, driver's license number, or telephone number; and

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

(b) The department shall implement and maintain an Internet website to allow any person, free of charge, to electronically search for and receive information described by Subsection (a). The website must be searchable by zip code, city, county, or the name of the person convicted. The search results must include for each person convicted:

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

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

(c) The department shall remove the criminal history record information concerning a person's conviction for an offense listed in Subsection (a) from the Internet website as soon as practicable after the earliest of:

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

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

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

1 Sec. 411.1357. CRIMINAL HISTORY RECORD INFORMATION
2 CONCERNING CERTAIN INTOXICATION OFFENSES PROVIDED TO PEACE OFFICER
3 ON REQUEST. (a) The department shall establish a procedure by
4 which a peace officer or employee of a law enforcement agency who
5 provides the department with a driver's license number, personal
6 identification certificate number, or license plate number may be
7 provided any criminal history record information maintained by the
8 department concerning a conviction of the person to whom the
9 license, certificate, or plate is issued for an offense under
10 Section 49.04, 49.045, 49.07, or 49.08, Penal Code, within the
11 preceding 10-year period.

12 (b) The procedure established under Subsection (a) must
13 allow a peace officer to request the information from the location
14 of a motor vehicle stop and to receive a response to the request
15 within the duration of a reasonable motor vehicle stop.

16 SECTION 3. Not later than May 1, 2016, the Department of
17 Public Safety shall implement the Internet website required under
18 Section 411.1356, Government Code, as added by this Act, and shall
19 make available to a requesting person the information described by
20 Section 411.1356 or 411.1357, Government Code, as added by this
21 Act.

22 SECTION 4. This Act takes effect September 1, 2015.