

By: Villalba

H.B. No. 3841

A BILL TO BE ENTITLED

AN ACT

relating to a central database containing information about offenders who have committed certain violent offenses against children or offenses involving family or dating violence.

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

SECTION 1. Article 42.015(a), Code of Criminal Procedure, is amended to read as follows:

(a) In the trial of an offense under Title 5 [~~Section 20.02, 20.03, or 20.04~~], Penal Code, or an attempt, conspiracy, or solicitation to commit one of those offenses, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the victim or intended victim was younger than 17 years of age at the time of the offense.

SECTION 2. 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 3. 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 411.1355.

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

Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE COMMITTED CERTAIN VIOLENT OFFENSES. (a) The department shall maintain a computerized central database containing information regarding persons who:

(1) on three or more occasions have been convicted of an offense for which an affirmative finding was made under Article 42.013 or 42.015, Code of Criminal Procedure; and

(2) were 17 years of age or older on the date at least three of the offenses described by Subdivision (1) were committed.

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

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

1 (2) that would identify the victim of the offense with
2 respect to which the applicable affirmative finding was made.

3 (c) The database maintained by the department under this
4 section must contain, to the extent the information is available to
5 the department:

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

8 (2) a physical description and recent photograph of
9 the person;

10 (3) a list of offenses for which the person was
11 convicted and for which the court made an affirmative finding under
12 Article 42.013 or 42.015, Code of Criminal Procedure, the date of
13 conviction for each offense, and the punishment prescribed for each
14 offense; and

15 (4) an indication as to whether the person was
16 discharged, placed on community supervision, or released on parole
17 or to mandatory supervision following the conviction for each
18 offense.

19 (d) The department shall permit a person whose name is
20 included in the database established under this section to petition
21 the department for removal of the person's name from the database,
22 and the department shall remove the person's name from the database
23 in response to the petition if:

24 (1) an order of expunction is issued under Chapter 55,
25 Code of Criminal Procedure, with respect to one of the offenses
26 described by Subsection (a), unless the person has three or more
27 other convictions for an offense described by that subsection; or

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

4 (e) On the website through which a person may search the
5 database described by this section, the department shall include
6 information regarding:

7 (1) the manner in which a person may petition the
8 department for removal of the person's name from the database;

9 (2) the circumstances under which the department will
10 grant the petition; and

11 (3) contact information for family violence
12 organizations.

13 (f) The department shall consult with a representative of a
14 statewide advocacy organization for issues related to family
15 violence regarding implementation of the database and the
16 information required to be included on the database website under
17 Subsection (e)(3).

18 SECTION 5. The central database required by Section
19 411.1355, Government Code, as added by this Act, must be designed
20 and implemented not later than January 1, 2016, and may only include
21 information concerning persons convicted of at least one offense
22 committed on or after the effective date of this Act for which an
23 affirmative finding is made under Article [42.013](#) or [42.015](#), Code of
24 Criminal Procedure. For purposes of this section, an offense was
25 committed on or after the effective date of this Act if each element
26 of the offense occurred on or after that date.

27 SECTION 6. This Act takes effect immediately if it receives

H.B. No. 3841

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.